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DOCUMENTS AND RECORDS

RELATING TO

NEW HAMPSHIRE

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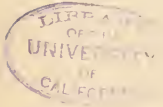
INCLUDING

I. Journal of the N. H. Convention which adopted the Federal Constitution, 1788.
II. Journal of the Convention which revised the State Constitution in 1791–1792.
III. The Great Controversy relating to the "New Hampshire Grants" (so called), 1749 to 1791; including troubles in border towns on both sides of the Connecticut river, 1781–1783.
IV. Letters, &c., of Committee of Safety, 1779 to 1784.
V. Census of 1773.
VI. Census of 1786.
VII. Appendix, containing copies of Ancient Grants, &c., supplementary to Volume I.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW HAMPSHIRE.



VOLUME X.

COMPILED AND EDITED BY
NATHANIEL BOUTON, D. D.,
Corresponding Secretary of the New Hampshire Historical Society.

CONCORD, N. H.:
EDWARD A. JENKS, STATE PRINTER.
1877.

NOTICE.

JOINT RESOLUTION, passed by the Legislature of New Hampshire.

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to continue the collection, compilation, and to superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New Hampshire, as the Governor may deem proper, not to exceed one volume; and that eight hundred copies of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in the State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New Hampshire Historical Society, and the remainder to be in the charge of the State Librarian, who is authorized to exchange the same for similar publications issued by other States.

Approved July 18, 1876.

EDITOR'S PREFACE.

The publication of this tenth volume terminates my official labors as editor and compiler of the Provincial and State Papers of New Hampshire. The contents of the volume are of permanent value, including articles never before published in full. The Journal of the New Hampshire Convention in 1788, which ratified the constitution of the United States, and that of the Convention in 1791–2, which revised the state constitution of 1784, furnish the names of the distinguished men who composed those conventions, and mark an era in our history of which the state may justly be proud.

The papers relating to the long controversy with New York and Vermont, in respect of what were called the "New Hampshire Grants," form a mass of material which, wrought into a volume of history with like papers from other sources, will equal if not surpass any story of our early times.

The letters, orders, &c., sent out by the Committee of Safety during the latter years of the Revolution, furnish the best evidence on record of the extreme privations of the people, and the noble patriotism which animated them. The census of 1773, ordered by Governor John Wentworth, and that of 1786, ordered by the General Assembly of the state,—neither of which was ever before published,—exhibit comparatively the growth of the state between those periods, and also show how SLAVERY, as it existed in the province before the Revolution, came to a quiet end. The Constitution of 1784, in its Bill of Rights, "spake, and it was done." Slavery vanished without

noise, without a single known civil suit, without a ripple of disturbance or turmoil on the face of society.

In an Appendix to the foregoing Papers, the editor, with advice of His Excellency, Governor BENJAMIN F. PRESCOTT, has thought proper to supplement the first volume of Provincial Papers by several very important documents which have recently been brought to light. One is what is called the Squamscott Patent, or the Grant to Edward Hilton of land at Dover Neck, where a settlement was begun in 1623; another is the Grant of the Province of Laconia, Nov. 17, 1629, which serves to correct a capital mistake made by our historian, Dr. Jeremy Belknap, as to the name given to the grant to Gorges and Mason, in August, 1622, and also the confusion in the first chapter of his history respecting the Laconia Company and the Wheelwright Indian Deed.*

In conclusion of his labors, the editor begs leave to renew his acknowledgments of obligation and gratitude to the Honorable FREDERICK SMYTH, ex-Governor, upon whose recommendation to the legislature the work was undertaken, and to the several Governors of the state in succession, by whose encouragement and favor, through eleven years, the work has been carried forward; also to the gentlemen, respectively, in the office of Secretary of State, who have afforded him every desired accommodation to consult early records and papers; and no less to the president and officers of the New Hampshire Historical Society, whose advice has frequently been sought.

However, some errors and imperfections may be detected in the execution of the work, yet the editor is conscious of having aimed to accomplish the great undertaking with entire impartiality, and with strict accuracy in the transcript of original records and documents, adding only such notes and explanations as appeared to him necessary and just. It is gratifying to the editor, and will be to the people of New Hampshire, to know that the volumes, as they have been published one after another, have become at once a standard authority for reference in matters of history. They are quoted freely by

* See note by the editor, pp. 692, 693; also, Vol. IX, pp. xl, xli.—ED.

historians and writers both in this country and England. Surviving the decay and ravages of time, they will remain to instruct future generations in the early history, and in all the official proceedings and events of the state.

To the candid judgment and acceptance of the PEOPLE OF NEW HAMPSHIRE, this last volume of Provincial and State Papers,—as also all the preceding,—is most respectfully submitted and humbly commended by their obedient servant, the compiler and editor.

NATHANIEL BOUTON.

Concord, N. H., September, 1877.

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* The biographical sketch of Col. Nathaniel Head (p. 32) is not fully correct. There were two men of the same name. Col. Nathaniel Head, of Pembroke, was from Bradford; died Oct. 16, 1825, aged nearly 83 years. Nathaniel Head, Esq., of Hooksett, was the grandfather of Gen. Natt Head; he died Oct. 4, 1829, aged 75.—Ed.

† On page 46, under "Yeas," the name "P. Page" should be *D. Page*.—Ed.

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* Page 255. The word "Colonies" in this article should be *Colonels*.—ED.

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* A few verbal errors have been detected in the transcript of this pamphlet, which readers, if they please, may correct as follows. P. 305, first line, for "alterations," read *altercations*. p. 307, fifth line from bottom, insert *had* after "they." p. 310, fourth line from top, for "regal," read *royal*. p. 311, eleventh line from top, for "Government," read *Governor*. p. 312, seventeenth line from bottom, for "sure," read *seen*. p. 323, eighteenth line from top, after "in," read *the affairs of*.—Ed.

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* Page 397, for "Result," read Rules.—Ed.

† For "Newport (Vt.)," read Reuport.—Ed.

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* Page 444, seventh line from bottom, for "Records in Secretary's office," read *Letters in Library of N. H. Hist. Soc.*—Ed.

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* Page 475. In note at the bottom, for "which no doubt was issued at the time," read *which perhaps was never issued.*—Ed.

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(Copied from a MS. volume in the Library of N. H. Hist. Soc.)

[NOTE. Readers will perceive that the letters and orders which follow are so various and numerous that it is very difficult to analyze them, or to describe their contents in few words. The editor therefore only makes a minute of the dates, with the persons to whom addressed, when known, and with a few words indicating the matter.]

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* Fourth line from top, the word "amount" should be *account*.—Ed

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Notice. By a misprint, the total number of inhabitants in Rockingham county is put down in the summary at 48,431. This is an error, which readers will please correct. The true number is 32,138.—Ed.

ERRATA.

Some errors of dates and names have been detected in Vol. IX, which readers will please correct as follows:

Errors in Vol. IX.

P. 145, under the head of CORNISH, the word "Hartford" should in every case be *Hertford*.

P. 303. Gilsum was incorporated July 13, 1763, instead of "July 6." It was first called *Boyle*, granted Dec. 28, 1752, and settlement probably begun as early as 1754.

P. 826. Campton was first granted Oct. 9, 1761, regranted Jan. 5, 1767, settlement begun about 1765.

P. 827. Haverhill was granted May 18, 1763, instead of "1764."

P. 828. The description given of "Marlborough" chiefly belongs to the town of that name in Vermont. It should simply read, *Monadnock, No. 5, was incorporated by the name of Marlborough*, Dec. 13, 1776.

JOURNAL

OF THE PROCEEDINGS OF THE CONVENTION

OF THE

STATE OF NEW HAMPSHIRE,

WHICH ADOPTED

THE FEDERAL CONSTITUTION.

1788.

[Copied from the original,—paging in the margin corresponding thereto.]

[*A LIST OF DELEGATES attending the Convention, with the names of Towns and places which they represented.*]

Names of Towns and places represented.	Names of Delegates to Convention.		No. of miles travel[d] to & from Exeter.	Wednesday, Feby 13th.	Thursday, 14th	Friday, 15th	Saturday, 16th	Sunday, 17th	Monday, 18th	Tuesday, 19th	Wednesday, 20th	Thursday, 21st	Friday, 22d	No. of miles travel[d] to and from Concord.	Wednesday, June 13th	Thursday, 19th	Friday, 20th	Saturday, 21st.
Portsmouth,	(1) John Langdon, Esq[r].	y.	30	1	1	1	1	1	1	1	1	1	1	52	1	1	1	1
"	John Pickering, Esq[r].	y	30	1	1	1	1	1	1	1	1	1	1	52	1	1	1	1
"	(2) Pierce Long, Esq[r].	y.	30	1	1	1	1	1	1	1	1	1	1	52	1	1	1	1
Exeter,	(3) John Taylor Gilman, Esq[r].	y	0	1	1	1	1	1	1	1	1	1	1	40	1	1	1	1
Londonderry,	(4) Col[o] Daniel Runnels,	n.	44	1	1	1	1	1	1	1	1	1	1	30	1	1	1	1
"	Archib[d] McMurphy, Esq[r].	n.	50	.	1	1	1	1	1	1	1	1	1	25	1	1	1	1
Chester,	Mr. Joseph Blanchard,	y.	44	.	1	1	1	1	1	1	1	1	1	20	1	1	1	1
Newington,	Benjamin Adams, Esq[r].	y	30	1	1	.	.	.	.	1	1	1	1	52	1	1	1	1
Greenland,	Doct[r]. Ichabod Weeks,	y	18	1	1	1	1	1	1	1	1	1	.	49	1	1	1	1
Rye,	Mr. Nathan Goss,	y	24	1	1	1	1	1	1	1	1	1	1	54	1	1	1	1
New Castle,	Henry Prescutt, Esq[r].	y	36	.	1	1	1	1	1	1	1	1	1	55	1	1	1	1
North Hampton,	Rev[d] Benj[a]. Thurston,	y	12	1	1	1	1	1	1	1	1	1	1	47	.	1	1	1
Hampton,	Christopher Toppan, Esq[r].	y	16	.	1	1	1	1	1	1	1	1	1	49	1	1	1	1
Hampton Falls & Seabrook,	(5) Rev[d] Sam[l]. Langdon,	y	10	1	1	1	1	1	1	1	1	1	1	44	1	1	1	1
Stratham,	Mr. Jon[a] Wiggin,	y	8	1	1	1	1	1	1	1	1	1	1	43	1	1	1	1

Kensington,	Jeremiah Fogg, Esq^{r}.	y	8	1	1	1	1	1	1	1	1	1	1	45	1	1	1	1
S. Hampton & East Kingstown,	Mr. Benj^{a}. Clough,	n	16	1	1	1	1	1	1	1	1	1	1	41	1	1	1	1
Kingstown,	(6)Hon^{l}. Josiah Bartlett, Esq^{r}.	y	12	1	1	1	1	1	.	1	1	1	1	36	1	1	1	1
Brentwood,	Doc^{t}. Thomas Stow Ranney,	y	10	1	1	1	1	1	1	1	1	1	1	40	1	1	1	1
Epping,	Mr. Nath^{l}. Ladd,														.	.	.	.
New Markett,	Nath^{l} Rogers, Esq^{r}.	y	8	.	1	1	1	1	1	1	1	1	1	38	1	1	1	1
Nottingham,	(7)Tho^{s}. Bartlett, Esq^{r}.	y	24	.	1	1	1	1	1	1	1	1	1	28	1	1	1	1
Deerfield,	Doc^{t}. Edm^{d} Chadwick,	y	40	1	1	1	1	1	1	1	1	1	1	18	1	1	1	1
Northwood, Epsom & Allenstown,	Maj^{r}. James Gray,	y	56	1	1	1	1	1	1	1	1	1	1	15	1	1	1	1
Chichester & Pittsfield,	Benj^{a} Sias, Esq^{r}.	n	60	1	1	1	1	1	1	1	1	1	1	20	1	1	1	1
Canterbury,	Col^{o} Jer^{e}. Clough,	n	80	1	1	1	1	1	1	1	1	1	1	8	1	1	1	1
Northfield,	Mr. Charles Glidden,	y	92	1	1	1	1	1	1	1	1	1	1	16	.	1	1	1
Loudon,	Mr. Jon^{a} Smith,	n	80	1	1	1	1	1	1	1	1	1	1	13	1	1	1	1
Concord,	Cap^{t}. Benj^{a} Emery,	n	80	1	1	1	1	1	1	1	1	1	1		1	1	1	1
Pembrook,	Samuel Daniels, Esq^{r}.		66	1	1	1	1	1	1	1	1	1	1	7	1	1	1	1
Candia,	Mr. Stephen Fifield,	n	50	.	1	1	1	1	1	1	1	1	1	16	1	1	1	1
Raymond & Poplin,	Mr. Thomas Chase,	n	20	1	1	1	1	1	.	1	1	1	1	30	1	1	1	1
Hawke & Sandown,	Mr. Nehemiah Sleeper,	n	20	1	1	1	1	1	1	1	1	1	1	35	.	1	1	1
Hampstead,	John Calfe, Esq^{r}.	y	34	.	1	1	1	1	1	1	1	1	1	30	1	1	1	1
Atkinson & Plastow,	Col^{o}. Benj^{a} Stone,	n	34	.	1	1	1	1	1	1	1	1	1	37	1	1	1	1
Salem,	L^{t}. Thos Dow,	n	40	.	1	1					1	1	1	36	1	1	1	1
Newtown,	Cap^{t}. Robert Steward,	n	26	1	1	1	1	1	1	1	1	1	1	42	.	1	1	1
Wyndham,	James Bettan, Esq^{r}.	y	60	1	1	1	1	1	1	1	1	1	1	35	1	1	1	1
Pelham,	Rev^{d} Amos Moody,	y	60	1	1	1	1	1	1	1	1	1	1	40	1	1	1	1
Dover,	(8)Doc^{t}. Ezra Green,	y	36	1	1	1	1	1	1	1	1	1	1	42	1	1	1	1
Durham,	(9)Exc^{y}. John Sullivan, Esq^{r}.	y	24	.	1	1	1	1	1	1	1	1	1	40	1	1	1	1
Sommersworth,	Moses Carr, Esq^{r}.	y	44	1	1	1	1	1	1	1	1	1	1	45	1	1	1	1
Rochester,	Mr. Barnabas Palmer,	n	54	1	1	1	1	1	1	1	1	1	1	50	1	1	1	1
Barrington,	Maj^{r} Samuel Hale,	y	48	1	1	1	1	1	1	1	1	1	1	40	1	1	1	1
Sandborntown,	William Harper, Esq^{r}.	n	108	1	1	1	1	1	1	1	1	1	1	20	.	1	1	1
Gilmantown,	(10)Honb^{l}. Joseph Badger,	n	80	.	1	1	1	1	1	1	1	1	1	20	.	1	1	1

List of Delegates—continued.

Names of Towns and places represented.	Names of Delegates to Convention.		No. of miles travel'd to & from Exeter.	Wednesday, Feb'y 13th.	Thursday, 14th	Friday, 15th	Saturday, 16th	Sunday, 17th	Monday, 18th	Tuesday, 19th	Wednesday, 20th	Thursday, 21st	Friday, 22d	No. of miles travel'd to and from Concord.	Wednesday, June 18th	Thursday, 19th	Friday, 20th	Saturday, 21st.
Lee,	Capt. Reuben Hill,		24	1	1	1	1	1	1	1	1	1	1					
Madbury,	Revd William Hooper,	n	32	1	1	1	1	1	1	1	1	1	1	40	1	1	1	1
Merrideth & New Hampton,	Colo. Ebenr. Smith,		102	1	1	1	1	1	1	1	1	1	1	30	1	1	1	1
Sandwich & Tamworth,	Daniel Bedee, Esqr.	y	136	1	1	1	1	1	1	1	1	1	1	30	1	1	1	1
Moultonboro', Tuftonborough, Wolfboro' and Ossipee,	Mr. Nathl. Shannon,	y	140	1	1	1	1	1	1	1	1	1	1	50	1	1	1	1
Barnstead, New Durham & N. D. Gore,	Mr. Jona. Chesley,	y	68	1	1	1	1	1	1	1	1	1	1	17	1	1	1	1
Wakefield, Middleton & Effingham,	Mr. Nicholas Austin,	n	102	1	1	1	1	1	1	1	1	1	1	50	1	1	1	1
Conway, Eaton, Burton & Locations,	David Page, Esqr.	n	200	1	1	1	1	1	1	1	1	1	1	83	1	1	1	1
Nottingham West,	Mr. Ebenr Cummings,	n	72	1	1	1	1	1	1	1	1	1	1	38	1	1	1	1
Litchfield,	Mr. Daniel Hixby,	n	70	1	1	1	1	1	1	1	1	1	1	30	1	1	1	1
Derryfield,	Lieut. John Hall,	y												20	1	1	1	1
Dunstable,	Deacn. Wm. Hunt,	n	80	1	1	1	1	1	1	1	1	1	1	40	1	1	1	1
Merrimac,	Timothy Taylor, Esqr.	n	74	1	1	1	1	1	1	1	1	1	1	30	1	1	1	1

Bedford,	Mr. Stephen Dole,	n	76	.	1	1	1	1	1	1	1	1	1	26	1	1	1	1
Goffstown,	Mr. William Page,	n	80	1	1	1	1	1	1	1	1	1	1	17	1	1	1	1
Holles,	Capt. Daniel Kindrick,	n	100	1	1	1	1	1	1	1	1	1	1	40	1	1	1	1
Amherst,	Joshua Atherton, Esqr.	n	80	1	1	1	1	1	1	1	1	1	1	30	1	1	1	1
Raby & Mason,	Deacn Amos Dakin,	y	116	1	1	1	1	1	1	1	1	1	1	58	.	1	1	1
New Ipswich,	Capt. Charles Barrett,	n	120	.	1	1	1	1	1	1	1	1	1	50	1	1	1	1
Francestown,	Mr. Thomas Bixby,	n	120	.	1	1	1	1	1	1	1	1	1	30	.	1	1	1
Wilton,	Mr. William Abbott,	y	104	1	1	1	1	1	1	1	1	1	1	42	.	1	1	1
Lyndeborough,	Doct. Benja. Jones,	n	110	.	1	1	1	1	1	1	1	1	1	35	.	1	1	1
Temple & Peterborº Slip,	Deacn John Cragin,	n	110	.	1	1	1	1	1	1	1	1	1	48	1	1	1	1
Peterborº & Society Land,	Majr. Nathan Dix,		124	.	1	1	1	1	1	1	1	1	1		.	.	.	.
Hancock, Antrim & Dearing,	Mr. Evan Dow,		120	.	1	1	1	1	1	1	1	1	1		.	.	.	.
Hinnekar & Hillsborough,	(11)Mr. Robert B. Wilkins,	y	140	.	.	.	.	.	.	1	1	1	1	30	.	1	1	1
New Boston,	John Cochran, Esqr.	n	104	1	1	1	1	1	1	1	1	1	1	25	1	1	1	1
Weare,	Mr. Jonathan Dow,	n	104	.	1	1	1	1	1	1	1	1	1	17	1	1	1	1
Hopkinton,	Mr. Joshua Morss,	y	100	1	1	1	1	1	1	1	1	1	1	5	1	1	1	1
Dunbarton & Bow,	Mr. Jacob Green,	n	72	.	1	1	1	1	1	1	1	1	1	5	1	1	1	1
Salisbury,	(12)Colº Ebenezer Webster,		112	1	1	1	1	1	1	1	1	1	1	16	1	1	1	1
Boscawen,	Colº Joseph Gerrish,	y	92	1	1	1	1	1	1	1	1	1	1	10	1	1	1	1
Fishersfield, Sutton & Warner,	Nathl Bean, Esqr.	n	124	1	1	1	1	1	1	1	1	1	1	18	.	1	1	1
New London, Andover & Gore,																		
Charlestown,	(13)Benja West, Esqr.	y	200	1	1	1	1	1	1	1	1	1	1	56	1	1	1	1
Alstead,	Capt. Oliver Shepherd,	y	200	1	1	1	1	1	1	1	1	1	1	60	1	1	1	1
Keene,	(14)Revd Aaron Hall,	y	200	.	1	1	1	1	1	1	1	1	1	60	1	1	1	1
Swanzey,	Majr. Elisha Whitcomb,	y	170	.	1	1	1	1	1	1	1	1	1	65	1	1	1	1
Richmond,	Mr. Jonn. Gaskill,	n	190	.	1	1	1	1	1	1	1	1	1	80	1	1	1	1
Jaffrey,	Mr. Abel Parker,	n	144	.	1	1	1	1	1	1	1	1	1	60	1	1	1	1
Winchester,	Capt. Moses Chamberlain,	y	208	1	1	1	1	1	1	1	1	1	1	80	1	1	1	1
Westmoreland,	Mr. Archelaus Temple,	y	200	1	1	1	1	1	1	1	1	1	1	76	1	1	1	1
Chesterfield,	Doct. Solomon Harvey,	n	200	1	1	1	1	1	1	1	1	1	1	70	1	1	1	1
Rindge,	Capt. Othniel Thomas,	n	150	.	1	1	1	1	1	1	1	1	1	60	.	1	1	1

List of Delegates—continued.

Names of Towns and places represented.	Names of Delegates to Convention.		No. of miles travell'd to & from Exeter.	Wednesday, Febr 13th.	Thursday, 14th	Friday, 15th	Saturday, 16th	Sunday, 17th	Monday, 18th	Tuesday, 19th	Wednesday, 20th	Thursday, 21st	Friday, 22d	No. of miles travell'd to and from Concord.	Wednesday, June 18th	Thursday, 19th	Friday, 20th	Saturday, 21st.
Walpole,	(15)Genl. Benja Bellows,	y	192											56				
	×Mr. Aaron Allen.		192															
Claremont,	Deacn. Matthias Stone,	n	200											55				
Cornish & Grantham,	(16)Genl. Jonathan Chase,	y	210											60				
Newport & Croyden,	Mr. John Kemmele,	n												45				
Acworth, Lempster & Marlow,	Daniel Grout, Esqr.	n	200											54				
Wendall & Unity,	Mr. Moses True,	n												39				
Surry & Gilsom,	Coll. Jonathan Smith,		190											60				
Stoddard & Washington,	Thomas Pinneman, Esqr.	n	180											42				
Dublin & Packersfield,	Sam. Griffin, Esqr.	y	160											55				
Marlborough,	Mr. Jedediah Talmer,	n	160											60				
Fitz William,	Lt. Caleb Winch,	n	160											70				
Plainfield,	Majr. Joseph Kimball,	y	230											70				
Hinsdale,	Mr. Uriel Evans,		220															
Protectworth,																		
Holderness, Campton & Thornton,	Honl. Samuel Livermore,	y	174											47				

Plymouth, Rumney & Wentworth,	(17)Francis Worster, Esq^{r}.	y	168	.	1	1	1	1	1	1	1	1	44	1	1	1	1
New Chester, Alexandra & Cockermouth,	Mr. Thomas Crawford,	y	166	.	1	1	1	1	1	1	1	1	44	1	1	1	1
Enfield, Canaan, Cardigan, Dorchester & Grafton,	Jesse Johnson, Esq^{r}.	y	180	.	1	1	1	1	1	1	1	1	50	1	1	1	1
Hanover,	Jonathan Freeman, Esq^{r}.	y	200	.	1	1	1	1	1	1	1	1	62	1	1	1	1
Lebanon,	Col^{o}. Elisha Payne,	y											56	1	1	1	1
Lyme & Orford,	Wm. Simpson, Esq^{r}.	y	236	.	1	1	1	1	1	1	1	1	80	1	1	1	1
Haverhill, Piermont, Warren & Coventry,	Col^{o}. Joseph Hutchins,	n		.	.	.	.	.	.	.	.	.	80	1	1	1	1
Lincoln & Franconia,	Cap^{t}. Isaac Patterson,	y		.	.	.	.	.	.	.	.	.	85	1	1	1	1
Bath, Lyman, Landaff, Littleton & Dalton,	Maj^{r}. Samuel Young,	y	284	.	1	1	1	1	1	1	1	1	100	1	1	1	1
Lancaster, Northumberland, Stratford, Dartmouth, Piercy, Cockburn & Coleburn,	Cap^{t}. John Wecks,	y	340	.	.	.	.	.	.	1	1	1	150	1	1	1	1

[On the margin.] 113 returned
5 absent
108.

BIOGRAPHICAL NOTES BY THE EDITOR.

[The editor would have been pleased to give brief sketches of all the delegates in the foregoing list, had the means of doing it been at his command. The sketches that follow are gathered from such sources of information as were accessible, and may be relied on as essentially correct. Many names in this list are also found among the representatives in the convention to revise the constitution in 1791-2. Of a portion of these, with many others, sketches will be appended to the journal of that convention.—Ed.]

(1) John Langdon, Esq., one of New Hampshire's most distinguished citizens, was born in Portsmouth, 1740; son of John L. and grandson of Tobias Langdon. He was one of the party which siezed Fort William and Mary, at New Castle, 1774, and carried away the powder and military stores; a delegate to the continental congress in 1775 and 1776; representative and speaker of the house of representatives, N. H., 1776 and 1777; he forwarded the expedition, under Gen. Stark, to cut off Burgoyne's march, 1777; judge of the court of common pleas; in 1779 he was continental agent in New Hampshire for building of public ships; and again delegate to congress, in 1783. In 1784-5, he was a member of the N. H. senate, and in the latter year was *president* of the state, and in November, 1788, was elected senator of the United States, and was the first president, *pro tem.*, of that body under the federal constitution. He served in the senate two terms. From 1805 to 1808, and again in 1810 and 1811, he was governor of the state. Governor Langdon was eminent for his personal dignity, his patriotism, his capacity for offices of high honor and trust, and for his religious reverence and devotion. He was a member of the first church in Portsmouth. An excellent portrait of him is in the council chamber of the state. He died Sept. 18, 1819, aged 78. (See *Allen's Biog. Dic.*, and *N. H. State Pap.*, Vols. VII and VIII.)

(2) Pierce Long, Esq., first appears in the provincial records as an active and influential member of the 4th provincial congress, at Exeter, May, 1775, and again in December of that year. In 1776 he had command of the forces to defend the harbor and fortresses of the Piscataqua; in November, 1777, he marched his regiment to Ticonderoga. He often represented the town of Portsmouth, and filled many offices, military and civil, with fidelity and honor.

(3) JOHN TAYLOR GILMAN, Esq., of Exeter, was son of Nicholas Gilman, who married Ann Taylor, a daughter of Rev. John Taylor, of Milton, Mass. He was born Dec. 19, 1753. With only the advantages of a common academic education, he rose to distinction in all the public offices of the state. The morning after the news of the battle of Lexington, he marched as a volunteer, with a hundred others, to Cambridge. In 1782 he was a member of congress; in 1783, treasurer of the state, and again in 1791–93. He filled the office of governor from 1794 to 1805; was again elected in 1813, 1814, and 1815. His long and useful services were gratefully acknowledged by the legislature in a farewell address. Politically he was known as a federalist. He died in Exeter, September, 1828, aged 74.

(4) Col. DANIEL RUNNELS, or REYNOLDS, of Londonderry, served as captain in Col. Nichols's regiment at the battle of Bennington, also as captain in Col. Peabody's regiment in Rhode Island in 1778. He was representative from Londonderry, and an able and distinguished citizen.

(5) Rev. SAMUEL LANGDON, D. D., of Hampton Falls, was first settled in the North Church at Portsmouth twenty-seven years; then president of Harvard college from 1774 to 1780. Eminent for learning, patriotism, and piety, he deceased Nov. 29, 1797, aged 75.

(6) Hon. JOSIAH BARTLETT, Esq., takes rank with the most eminent of New Hampshire's sons. He was born in Amesbury, Mass., in 1729,—son of Stephen Bartlett. In his profession of medicine he acquired distinction, but was called from a successful practice to fill offices of trust and honor in the state and in the national congress. He was one of the signers of the Declaration of Independence, July, 1776; chief justice of the court of common pleas (N. H.), 1779; justice of the superior court, 1784,—chief justice in 1788. In 1790 he was chosen by the legislature president of New Hampshire, and in 1791 he was elected to the same office by the people; and, under the revised constitution, he was chosen governor, 1792. He was the chief original founder and president of the New Hampshire Medical Society, 1791. He died suddenly, of a paralytic affection, May 19, 1795, aged 65.

(7) THOMAS BARTLETT, Esq., of Nottingham, was among the leading patriots of Rockingham county. Aside from offices of minor grade, he was captain of the 5th company of "six weeks men" at Winter Hill in 1775; lieutenant-colonel in Col. Gilman's regiment at Rhode Island in 1778; from May, 1778, to January, 1779, a member of the Committee of Safety; colonel of one of the New Hampshire regiments for the defence of West Point in 1780. Under the law of 1792, he was made brigadier-general of the third brigade of New Hampshire militia. He was representative to the fourth provincial congress at Exeter, May, 1775, and one of the committee to remove the public records from Portsmouth to Exeter in June, 1775. After the Revolution, he was speaker of the house of representatives and justice of the court of common pleas. He died June 30, 1807, aged 59.

(8) Dr. EZRA GREEN, of Dover, was born in Malden, Mass.; graduated at Harvard college, 1765; joined the army under Col. James Reed, 1775; in June that year was appointed surgeon, and served on land till

April, 1778. He was then appointed surgeon on board the ship Ranger, under command of Capt. John Paul Jones. Retiring from service in 1781, he settled at Dover as a merchant. He died greatly respected July 25, 1847, aged 101.

(9) His Excellency JOHN SULLIVAN, Esq., president of the convention, was the son of John Sullivan, and was born in Dover, in that part called Somersworth, in 1741. He was a brother of His Excellency James Sullivan, of Massachusetts. Both received their education from their father. John commenced the practice of law at Durham, where he continued his residence till his death, and where his remains are interred. He early evinced a military spirit, and was one of the brave band that seized Fort William and Mary at New Castle, 1774; was delegate to congress, 1774–75, and in the latter year was appointed brigadier-general in the army of the Revolution, and in 1779, a major-general. He was in command at Winter Hill, 1775; in Canada, 1776; distinguished in the battle of Brandywine and Germantown, 1777; commanded the army in Rhode Island, 1778; and was at the head of the expedition against the Western Indians in 1779. Filling numerous offices in the state, as agent to settle the disputed bounds of the New Hampshire grants, attorney-general, etc., in 1786 and 1787 he was chosen president of New Hampshire. In 1789 he was a presidential elector, and again that year chosen president of the state. He was appointed judge of the district court of New Hampshire by Washington, 1789, which office he held till his death, Jan. 23, 1795, at the age of 54. See an admirable portrait of him in council chamber, Concord, painted from a sketch by Col. Trumbull.

(10) Hon. JOSEPH BADGER, Esq., son of Capt. Joseph Badger, an early settler in Gilmanton, was born in Bradford, Mass., Oct. 23, 1746. He was a man of great military ardor, and held offices in the militia for thirty years, passing from the rank of captain to that of brigadier-general. He was present at the capture of Burgoyne in 1779. After the war he served the town of Gilmanton as representative, and was a councillor six years,—1784, 1790–92, 1795–96. He was one of the founders of Gilmanton Academy, gave the land on which it is located, and superintended the erection of the building. He died Jan. 15, 1809, aged 62. The late Governor William Badger was his son. [*Hist. of Gilmanton.*]

(11) Mr. ROBERT B. WILKINS, of Henniker, a native of Amherst, entered the army at the age of 16, and was in the battle of Bunker Hill—wounded; in the Continental army, in Col. Scammel's regiment, he was promoted to a lieutenancy. He served under Gen. Lafayette, of whom he was a great admirer. On his visit to Concord, in June, 1825, the general met Lieut. Wilkins, and recognized him. Receiving a pension from the government, he spent the later years of life with his family in Concord, but died in Boston, August, 1832, aged 77.

(12) Col. EBENEZER WEBSTER, of Salisbury, was the father of Hon. Ezekiel and Daniel Webster. He was born in Kingston in 1740. Settling in Salisbury, he served in the "seven years war" against the French and Indians; in the revolution was captain of a company; in 1785–89 was a state senator, and also 1790–91. He was a judge of the court of common pleas for Hillsborough county from 1791 to 1806.

It does not appear that he voted on the adoption of the constitution. He died in 1806, aged 67.

(13) Benjamin West, Esq., of Charlestown, was son of Rev. Thomas West, and brother of Rev. Dr. Samuel West, of Boston. He was born April 8, 1746, graduated at Harvard college, 1768. He resided in Charlestown more than forty years in the practice of law, and died July, 1817, aged 71. He ranked among the first of his profession.

(14) Rev. Aaron Hall, of Keene, a native of Cheshire, Ct., born in 1751, was a graduate of Yale college, 1772, ordained Feb. 19, 1778, died August 12, 1814, after a ministry of thirty-six years, aged 63.

(15) Gen. Benjamin Bellows, of Walpole, son of Col. Benjamin, was born October 6, 1740. He was greatly respected as a citizen, and honored with many public offices,—as representative, senator, and councillor. He was president of the electoral college when George Washington was elected president in 1789, and again in 1797, when John Adams was elected. In the revolution he commanded a regiment; was present at the surrender of Burgoyne. He died in Walpole, June, 1802, in the 62d year of his age.

(16) Gen. Jonathan Chase was a leading citizen of Cornish. In 1771 he petitioned Gov. John Wentworth for confirmation of a grant of an island in the Connecticut river between Cornish and Windsor. In 1776 he was allowed three barrels of powder, to be used in defence of the frontiers. Having the commission of colonel, he was also muster-master for the pay of his regiment, 1776, and in 1778 for reinforcing the northern army. In 1781 he petitioned for liberty to raise a company of sixty men, to be employed as scouts, for the defence of the western frontiers. In the disputes with Vermont about the New Hampshire grants, he was appointed by the town of Cornish, March 9, 1779, as their agent to attend a convention in *Dresden*, on the 20th of July; and at an adjourned meeting, Aug. 30th, the same year, the voters present unanimously rejected the plan of government for the state of New Hampshire, which was sent to them. He attended a convention, on the same matter, at Walpole, Nov. 15, 1780, and another at Charlestown, Feb. 7, 1781.

(17) Francis Worcester, Esq., who represented Plymouth, Rumney, and Alexandria, as classed towns, was a native of Hollis. He is called "Deacon," and was settled in Plymouth. In 1776 he was coroner for Grafton county; in 1777, was chairman of the town committee of safety; in 1777–79, representative to the general assembly, and an efficient member, filling various offices with ability and promptness; in 1780–82, a councillor. He was a member of the constitutional conventions in 1778 and 1781, and of the federal convention in 1788.

A Journal of the proceedings of the Hon^ble Convention assembled at the Court House in Exeter, on Wednesday the thirteenth day of February, A. D. 1788, for the investigation, discussion and decision of the Federal Constitution.

Wednesday, Febr. 13, 1788.

About fifty members being assembled, they proceeded to the choice of a chairman, and the Honb^l. Josiah Bartlett, Esq^r. was chosen.

The Honb^l Sam^l Livermore, the Honb^l John Taylor Gilman, & Benjamin West, Esqr^s. were appointed a Committee to receive the returns of members elected ; they were also appointed a Committee to prepare and lay before the Convention such rules as they shall judge necessary for regulating the proceedings in said Convention.

Adjourned to 10 o'clock to-morrow morning.

Thursday, Febr. 14^th, 1788.

The Convention met according to adjournment. About one hundred members present :

Motion was made for the choice of a Secretary for the Convention, and the ballots being taken John Calfe Esq^r. was chosen for that purpose, and sworn to the faithful discharge of the trust reposed in him.

[p. 18.] Motion was then made for the choice of a President, and the ballots being taken, his Excellency John Sullivan, Esq^r. was chosen President.

Voted, that Mr. Livermore, Mr. Gilman and Mr. West be a Committee to examine the returns of the Elections of the several members of the Convention and report thereon.

The Convention being informed that there were two persons returned as members to said Convention from the Town of Newington, and after examining said returns and enquiring into the matter, agreed to postpone the determination thereof until the afternoon.

Adjourned to 3 o'clock P. M. then to meet at the Meeting House in Exeter.

Met according to adjournment.

The Committee appointed to prepare rules for regulating the proceedings in Convention reported the following, viz.

[P. 19.] 1st. That as it is essential to the public interest, so it shall be considered and enjoyned as the Incumbent duty of each member of this Convention seasonably and punctually to attend in his place and not absent himself without leave.

2d. That freedom of deliberation, speech and debate in the Convention be allowed to each member thereof; yet no member shall by speech or behaviour in Convention give just occasion of offence to another.

3d. That any member disposed to make a motion or speak to a matter in debate, shall rise from his seat and address the President: but on being called to order by the President, he shall be silent; yet if such silenced member shall conceive himself injured thereby, the President shall take a vote of the Convention thereon, and such member shall submit to their determination.

4th. No member shall speak more than twice to any subject in debate until each member have an opportunity to offer his opinion.

5th. No motion from one member shall be received or debated unless seconded by another.

6th. When a motion is regularly before the Convention, it shall at any time, at the request of a member be reduced to writing by the person making it.

[P. 20.] 7th. On the question for adopting the federal Constitution, and on that only, the yeas and nays may be taken if desired by a member.

8th. When it shall appear that any person returned is not legally chosen, he shall be dismissed.

9th. That in determining any question the votes of a majority of the members present shall be necessary, excepting such members as may by consent of the Convention be excused from voting, on their giving satisfactory reasons therefor.

10th. That a motion to postpone any Question or to adjourn shall take place of any other motion.

11th. That no vote be reconsidered when there is a less number of members present, than there was at passing the same: Which Report was read and considered, received and accepted.

Resumed the consideration of the returns from Newington, and came to the following vote:

[P. 21.] Voted, That in order that the Convention may ascertain whether it is the sense of the Inhabitants of Newington that Ephraim Pickering Esqr or Benjamin Adams, Esqr. should represent them in this Convention, That the Selectmen of Newington be requested to notify a meeting of the voters in said Town on Monday next, to ballot for such of those two Gentlemen as they may think proper, and make return thereof in common form.

Motion was made to proceed to the consideration of the proposed federal Constitution; which being read, it was agreed to proceed to the investigation by paragraphs.

Article 1st.

On Section 1st no debate.—After some debate on the 2d Section, agreed to adjourn to 9 o'clock to-morrow morning.

Friday, Febr. 15th, 1788.

The Convention met according to adjournment. Resumed the debate on the 2d Section in Article 1st, respecting biennial Elections, and after much debate, adjourned to 3 o'clock P. M.

Met accordingly.

[p. 22.] Proceeded to the consideration of the 3d Section of the first Article. Considered ye 3d, 4th, 5th, 6th, and 7th Sections.

Adjourned to 9 o'clock to-morrow morning.

Saturday, Febr. 16th 1788.

The Convention met according to adjournment.

Proceeded to the consideration of the 8th section of the 1st Article, and after much debate thereon, adjourned to half past 2 o'clock, P. M.

Met according to adjournment, and resumed the consideration of the 8th section, and debated largely thereon.

Adjourned to Monday next at 9 o'clock, A. M.

Monday, Febr. 18th, 1788.

The Convention met according to adjournment. Proceeded to the further consideration of the 8th section, and after much debate thereon agreed to adjourn to 3 o'clock P. M.

Met accordingly:—Proceeded to the consideration of the 9th Section:—after some debate thereon proceeded to the 10th section.

[p. 23.] Adjourned to 9 o'clock to-morrow morning.

Tuesday, Febr. 19th, 1788.

The Convention met according to adjournment. Proceeded to the consideration of the Second Article, and after some debate on the several sections and paragraphs, proceeded to the consideration of the third Article.

Adjourned to 3 o'clock, P. M.

Met accordingly:—Resumed the consideration of the Third Article, and after debating on the first and second Section, adjourned to 9 o'clock to-morrow morning.

Wednesday, Febr. 20th 1788.

The convention met according to adjournment.

Resumed the consideration of the Second section in the third Article.

Adjourned to 3 o'clock, P. M. Met accordingly.

Proceeded to the consideration of the fourth, fifth and sixth Articles, and after some debate respecting a Religious test, adjourned to 9 o'clock to-morrow morning.

[P. 24.] Thursday, Febr. 21st, 1788.

The Convention met according to adjournment.—Resumed the consideration of the last paragraph in the Sixth Article, and after much debate thereon proceeded to the consideration of the remainder of the proposed Constitution;—after which motion was made to proceed to general observations on the said Constitution: but a motion for adjournment taking place, the general observations were postponed until the afternoon.

Adjourned to 3 o'clock P. M. Met accordingly.

Proceeded to general observations on the Constitution.

Adjourned to 9 o'clock to-morrow morning.

Friday, Febr. 22d, 1788.

The Convention met according to adjournment. A motion was made & seconded that the Convention adjourn to some future day; but the determination was postponed until [P. 25.] some general observations were made.

The question was put, and it was voted to adjourn to some future day.

Voted, That when the Convention adjourn, that it be to meet again at Concord on the third Wednesday in June next.

Voted, That the Convention now adjourn.

STATE OF NEW HAMPSHIRE.

Wednesday, June 18th, 1788.

The Convention met according to adjournment at Concord in said State.

Several persons appeared and produced certificates of their being elected members of the Convention ;—some of which were from Towns which had before made returns of other persons, who had been admitted to a seat in Convention at Exeter ; and after much debate thereon came to the following votes :—

Voted, That it is the opinion of this Convention that Mr. Allen returned by the Town of Walpole was not legally elected a member of Convention.

[P. 26.] Voted, That it is the opinion of this Convention, that Mr. Fowler returned by the Town of Boscawen was not legally elected a member.

Adjourned to 9 o'clock to-morrow morning.

Thursday, June 19th, 1788.

The Convention met according to adjournment. Motion was made to appoint a Committee to consider of and report such amendments as they should judge necessary to be proposed in alteration of the Constitution :—which motion was postponed for the further discussion of the Constitution :—And after some debate Adjourned to 3 o'clock, P. M.

Met accordingly. Proceeded to a general discussion of the Constitution.

Adjourned to 8 o'clock to-morrow morning.

[P. 27.] Friday, June 20th, 1788.

The Convention met according to adjournment. Resumed the motion of yesterday for a Committee &

Voted, That Mr. Langdon, Mr. Bartlett, Mr. Badger, Mr. Sullivan, Mr. Atherton, Mr. Dow, Mr. Bellows, Mr. West, Mr. Livermore, Mr. Worster, Mr. Parker, Mr. Pickering, Mr. Smith, Mr. Hooper, and Mr. Barrett, be a committee to consider of and report such articles as they shall think proper to be proposed as amendments to the Federal Constitution, and lay the same before this Convention.

Adjourned to 3 o'clock P. M. Met accordingly.

The Committee to consider of and report such Articles as they should think proper to be proposed as amendments to the Federal Constitution Reported as follows: (viz.)

First, That it be explicitly declared that all powers not expressly and particularly delegated by the aforesaid Constitution, are reserved to the several States to be by them exercised.

[p. 28.] Secondly, That there shall be one representative to every thirty Thousand persons according to the census mentioned in the Constitution until the whole number of Representatives amounts to two hundred.

Thirdly, That Congress do not exercise the powers vested in them by the fourth section of the first Article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress; nor shall Congress in any case make regulations contrary to a free and equal Representation.

Fourthly, That Congress do not lay direct Taxes but when the money arising from the Impost excise and their other resources are insufficient for the public Exigences; nor then until Congress shall have first made a requisition upon the States to assess, levy and pay their respective proportions of such requisitions, agreeably to the [p. 29.] Census fixed in the said Constitution, in such way and manner as the Legislature of the State shall think best; and in such case, if any State shall neglect, then Congress may assess, and levy such State's proportion, together with the Interest thereon at the rate of six pr Cent. pr Annum, from the time of payment prescribed in such requisition.

Fifthly, That Congress erect no company of Merchants with exclusive advantages of Commerce.

Sixthly, That no person shall be tried for any crime by which he may incur an infamous punishment or loss of life, until he be first indicted by a grand jury—except in such cases as may arise in the government and regulation of the land and naval forces.

Seventhly, All common law cases between citizens of different states shall be commenced in the common Law Courts of the respective States; and no appeal shall be allowed to the federal Court in such cases unless the sum or value of the thing in controversy amount to three thousand dollars.

[p. 30.] Eighthly, In civil actions between citizens of different States, every issue of fact arising in actions at common Law shall be tried by a Jury, if the parties or either of them request it.

Ninthly, Congress shall at no time consent that any person holding an office of trust or profit under the United States, shall accept a title of nobility, or any other title or office from any King, Prince, or foreign State.

Tenthly, That no standing army shall be kept up in time of peace, unless with the consent of three fourths of the members of each branch of Congress; nor shall soldiers, in time of peace, be quartered upon private houses without the consent of the owners.

Eleventhly, Congress shall make no laws touching religion or to infringe the rights of Conscience.

Twelfthly, Congress shall never disarm any citizen unless such as are or have been in actual rebellion.

Signed— JOHN LANGDON,
for the Committee.

[p. 31.] Which Report being read and considered was received and accepted.

Motion was then made by Mr. Atherton, seconded by Mr. Parker, That this Convention ratify the proposed Constitution, together with the amendments; but that said Constitution do not operate in the State of New Hampshire without said amendments.

After some debate, motion was made by Mr. Livermore, seconded by Mr. Bartlett & others, to postpone the motion made by Mr. Atherton, to make way for the following motion, (viz.) That in case the Constitution be adopted, that the amendments reported by the Committee be recommended to Congress—which motion of Mr. Atherton being postponed, adjourned to 9 o'clock to-morrow morning.

Saturday, June 21st, 1788.

The Convention met according to adjournment.

Resumed the consideration of Mr. Livermore's motion:—which being determined by the Convention in the affirmative, [p. 32.] Motion was then made by Mr. Atherton, seconded by Mr. Hooper, that the Convention adjourn to some future day; but it was negatived.

Motion was then made by Mr. Livermore, seconded by Mr. Langdon and others, That the main question be now put for the adoption of the Constitution;—and the yeas and nays being called, were as follows:

Yeas	*Yeas*	*Yeas.*
Mr. Langdon	Mr. Rogers	Mr. Wilkins
Mr. Pickering	Mr. T. Bartlett	Mr. Morss
Mr. Long	Mr. Chadwick	Mr. Gerrish
Mr. Gilman	Mr. Gray	Mr. West
Mr. Blanchard	Mr. Glidden	Mr. Shepherd
Mr. Adams	Mr. Calfe	Mr. Hall
Mr. Weeks	Mr. Bettan	Mr. Whitcomb
Mr. Goss	Mr. Moody	Mr. Chamberlain
Mr. Prescut	Mr. Green	Mr. Temple
Mr. Thurston	Mr. Sullivan	Mr. Bellows
Mr. Toppan	Mr. Carr	Mr. Chase
Mr. Langdon	Mr. Hale	Mr. Griffin
Mr. Wiggin	Mr. Bedee	Mr. Kimball
Mr. Fogg	Mr. Shannon	Mr. Livermore

Mr. J. Bartlett	Mr. Chesley	Mr. Worster
Mr. Stow Ranney	Mr. Hall	Mr. Crawford
	Mr. Dakin	Mr. Johnson
	Mr. Abbott.	Mr. Freeman
		Mr. Payne
		Mr. Simpson
		Mr. Patterson
		Mr. Young
	57 YEAS.	Mr. Weeks.

[P. 33.] *Nays*	*Nays*	*Nays*
Mr. Runnels	Mr. Hooper	Mr. Jon[a] Dow
Mr. McMurphy	Mr. Austin	Mr. Green
Mr. B. Clough	Mr. Page	Mr. Bean
Mr. Sias	Mr. Cummings	Mr. Gaskill
Mr. J. Clough	Mr. D. Bixby	Mr. Parker
Mr. Smith	Mr. Hunt	Mr. Harvey
Mr. Emery	Mr. Taylor	Mr. Thomas
Mr. Fifield	Mr. Dole	Mr. M. Stone
Mr. Chase	Mr. Page	Mr. Remmelee
Mr. Sleeper	Mr. Kindrick	Mr. Grout
Mr. B. Stone	Mr. Atherton	Mr. True
Mr. Dow	Mr. Barrett	Mr. Penniman
Mr. Steward	Mr. T. Bixby	Mr. Tainter
Mr. Palmer	Mr. Jones	Mr. Winch
Mr. Harper	Mr. Cragin	Mr. Hutchins
Mr. Badger.	Mr. Cochran.	
		47 NAYS.

STATE OF NEW HAMPSHIRE.

In Convention of the Delegates of the People of the State of New Hampshire, June 21[st], 1788:—

The Convention having impartially discussed and fully [P. 34.] considered the Constitution for the United States of America, reported to Congress by the Convention of Delegates from the United States of America, and submitted to us by a Resolution of the General Court of said State passed the fourteenth day of December last past, and acknowledging with grateful hearts the Goodness of the Supreme Ruler of the Universe in affording the People of the United States, in the course of his Providence, an opportunity, deliberately and peaceably, without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new Constitution, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of Liberty to themselves and their posterity, Do in the name and in behalf of the people of the State of New Hampshire, as-

sent to and ratify the said Constitution for the United States of America; and as it is the opinion of this Convention, [p. 35.] that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of this State, and more effectually guard against an undue administration of the federal Government, the Convention do therefore recommend that the following alterations and provisions be introduced into the said Constitution:

First, That it be explicitly declared that all powers not expressly and particularly delegated by the aforesaid Constitution, are reserved to the several States to be by them exercised.

Secondly, That there shall be one Representative to every thirty Thousand persons according to the Census mentioned in the Constitution, until the whole number of Representatives amounts to two hundred.

Thirdly, That Congress do not exercise the power vested in them by the fourth Section of the first Article, but in cases when a State shall neglect or refuse to make the reg- [p. 36.] ulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, nor shall Congress in any case make regulations contrary to a free and equal representation.

Fourthly, That Congress do not lay direct Taxes but when the money arising from the impost excise and their other resources are insufficient for the public exigencies; nor then, until Congress shall have first made a requisition upon the States to assess, Levy and pay their respective proportions of such requisition agreeably to the census fixed in the said Constitution, in such way and manner as the Legislature of the State shall think best; and in such case, if any State shall neglect, then Congress may assess and Levy such State's proportion, together with the interest thereon at the rate of six pr. cent pr. Annum from the time of payment prescribed in such requisition.

[p. 37.] Fifthly, That Congress erect no company of Merchants with exclusive advantages of commerce.

Sixthly, That no person shall be tried for any crime by which he may incur an infamous punishment or loss of life, until he be first indicted by a grand jury—except in such

cases as may arise in the government and regulation of the land and naval forces.

Secondly, All common law cases between citizens of different States shall be commenced in the Common Law Courts of the respective States, and no appeal shall be allowed to the federal Courts in such cases, unless the sum or value of the thing in controversy amount to three *hundred?* dollars.

Eighthly, In civil actions between citizens of different States, every issue of fact arising in actions at common Law, shall be tried by a jury if the parties or either of them request it.

Ninthly, Congress shall at no time consent that any person holding an office of trust or profit under the United [P. 38.] States, shall accept a title of nobility or any other title or office, from any king, prince or foreign State.

Tenthly, That no standing army shall be kept up in time of peace, unless with the consent of three fourths of the members of each branch of Congress ; nor shall soldiers in a time of peace, be quartered upon private houses without the consent of the owners.

Eleventhly, Congress shall make no Laws touching religion or to infringe the rights of conscience.

Twelfthly, Congress shall never disarm any citizen, unless such as are or have been in actual rebellion.

And the Convention do, in the name and in behalf of the people of this State enjoin it upon their Representatives in Congress, at all times, until the alterations and provisions aforesaid have been considered, agreeably to the fifth article of the said Constitution, to exert all their Influence and use all reasonable and legal methods to obtain a Ratification of the said alterations and provisions in such manner as is provided in the said article.

[P. 39.] And that the United States in Congress Assembled may have due notice of the assent and ratification of the said Constitution by this Convention :—

It is Resolved, That the assent and ratification aforesaid, be engrossed on parchment, together with the recommendation and Injunction aforesaid, and with this Resolution ; and that John Sullivan Esq^r. President of Convention, and John Langdon, Esq^r. President of the State, transmit the

same countersigned by the Secretary of Convention and the Secretary of the State under their hands and seals, to the United States in Congress assembled.*

JOHN CALFE, Secretary.

[Dr. Belknap, in his history of New Hampshire, says,—"This was the *ninth* State in the union which accepted the Constitution; and thus the number was completed which was necessary to put in motion the political machine."—ED.]

* The adoption and ratification of the Constitution, by the Convention of the people of New Hampshire, was the occasion of great joy to all the friends of the Union throughout the country. It was announced to Gov. John Hancock, of Massachusetts, in a letter, by President Sullivan, as follows:

Concord, June 21, 1788.

SIR—I have the honor to inform your Excellency, by favour of Mr Reed, who is obliging enough to forward this letter, that the Convention of this state have this moment adopted the New Constitution—yeas 57, nays 46 [47]. The amendments recommended, nearly the same as in your state.

With every sentiment of respectful attachment,

I have the honor to be

Your Excellency's

Most obedient servant,

JOHN SULLIVAN

[See *Hist. of Concord*, p. 302.]

JOURNAL

OF THE

CONVENTION

WHICH ASSEMBLED, IN CONCORD,

TO REVISE THE CONSTITUTION OF NEW HAMPSHIRE,

1791—1792.

[*A LIST OF THE NAMES of the Members of the Convention of the State of New Hampshire, chosen to revise the Constitution of said state—met at Concord in said state, on Wednesday the 7th day of September, 1791.*]

| 2, 3.] Names of Towns and places represented. | Names of Representatives. | N°. of miles Travelled | Wednesday Sept. 7th. 1791. | Thursday 8th. | Friday, 9th. | Saturday, 10th | Sunday, 11th * | Monday, 12th. | Tuesday, 13th. | Wednesday, 14th. | | |

| | | |

List of Members—continued.

Names of Towns and places represented.	Names of Representatives.	No. of miles Travelled.	Wednesday Sept. 7th, 1791.	Thursday 8th.	Friday, 9th	Saturday, 10th	Sunday, 11th	Monday, 12th	Tuesday, 13th.	Wednesday, 14th	Wednesday Sept. 21, 1792	Thursday, 6th	Friday, 7th	Saturday, 8th.
Lee	Mr. Nath[l] Clough	37	n[i]	n[i]	y[s]	y[s]	y[s]	n[i]	n[i]	y[s]	n	y	y	y
Madbury	(24) Rev[d] Wm. Hooper	40	n[i]	n[i]	y[s]	n[i]	.	n[i]	n[i]	y[s]	n	y	y	y
Meredith & New Hampton	(25) Ebenezer Smith, Esq[r].	30	n[i]	n[i]	.	.	.	.	.	.	n	y	n	y
Sandwich	(26) Dan[l] Beede, Esq[r].	50	n[i]	n[i]	y[s]	y[s]	n[i]	n[i]	n[i]	y[s]	n	y	n	y
Tamworth														
Moultonboro' &c. 8, 9.]	(27) Col[o] Nathan Hoit	50	y[s]	n[i]	y[s]	n[i]	n.	n[i]	y[s]	.	.	y	y	y
Barnstead	Mr. Charles Hodgdon	18	n[i]	n[i]	.	.	n[i]	n[i]	n[i]	n[i]	y	y	y	y
New Durham, &c.	Thomas Tash, jun. Esq[r].	43	y[s]	n[i]	y[s]	n[i]	n[i]	n[i]	n[i]	y[s]	n	y	y	y
Wakefield &c.	(28) David Copp, Esq[r].	48	y[s]	n[i]	y[s]	y[s]	y[s]	n[i]	n[i]	y[s]	n	y	y	y
Conway, &c.	(29) Col[o] David Page	83	n[i]	y[s]	n[i]	n[i]	n[i]	n[i]	y[s]	n	n	y	y	y
Nottingham West														
Litchfield	Mr. Robert Parker	30	n[i]	n[i]	.	.	n[i]	n[i]	n[i]	n[i]	n	y	n	.
Dunstable	Mr. David Alld	38	n[i]	n[i]	.	y[s]	n[i]	n[i]	n[i]	y[s]	n	n	n	n
Merrimac	(30) Capt. Wm. Barron	27	n[i]	n[i]	n[i]	y[s]	n[i]	n[i]	n[i]	y[s]	n	n	y	y
Bedford	(31) Zechariah Chandler, Esq[r].	21	n[i]	n[i]	n[i]	n[i]	n[i]	n[i]	n[i]	y[s]	n	n	y	y
Goffstown	Mr. William Page	17	n[i]	.	n[i]	n[i]	n[i]	n[i]	n[i]	.	.	y	n	y
Holles	(32) Daniel Emerson, Esq[r].	39	n[i]	n[i]	y[s]	n[i]	y[s]	n[i]	n[i]	y[s]	n	n	n	n
Amherst	(33) Joshua Atherton, Esq[r].	30	n[i]	n[i]	y[s]	n[i]	y[s]	n[i]	y[s]	.	n	y	n	n

| | | |

List of Members—continued.

Names of Towns and places represented.	Names of Representatives.	No. of miles Travelled	Wednesday Sept. 7th. 1791.	Thursday 8th.	Friday, 9th.	Saturday, 10th	Sunday, 11th	Monday, 12th	Tuesday, 13th.	Wednesday, 14th.																		Wednesday Sept 5th. 1792	Thursday, 6th	Friday, 7th	Saturday, 8th
Rindge (44)	Colo Daniel Rand	64	ni	ni	ni	ni	yi	ni	ni	ni	ni	ni	ni	ni	n	n	n	y	n	n	n	y						.	.		
Walpole	Mr. Andrew French	67	ni	ni	ni	ni	yi	ni	ni	ni	ni	ni	ni	y	n	n	n	n	n	n	n	n						1	1		
Claremont	Sanford Kingsbury, Esqr.	60	ni	yi	ni	yi	ni	yi	yi	ni	ni	ni	yi	y	n	y	n	y	n	n	n	.						1	1		
Cornish	Moses Chase, Esqr.	60	ni	ni	ni	yi	yi	ni	ni	ni	ni	ni	yi	n	y	n	n	.	.	.	y							1	1		
Newport & Croydon	Mr. Uriah Wilcox	46	ni	ni	yi	ni	yi	ni	ni	ni	ni	ni	ni	y	n	y	y	y	y	y								1	1		
Acworth, Lempster &c (45)	Capt John Duncan	53	ni	yi	ni	ni	yi	ni	ni	ni	ni	ni	ni	n	n	y	n	y	y	.	y							1	1		
Wendall & Unity																															
Surry, Gilsom & Sullivan	Lemuel Holmes, Esqr.	65	ni	ni	i	yi	ni	ni	ni	ni	ni	ni	ni	n	n	n	n	y	y	y	n							1	1		
Stoddard & Washington																															
Dublin & Packersfield	Mr. Solomon Wardell	56	ni	ni	ni	ni	yi	ni	ni	ni	ni	ni	yi	n	n	n	n	n	n	n	n							1	1		
14. 15.]																															
Marlborough	Mr. Jedediah Tainter	60	ni	ni	ni	ni	yi	ni	ni	ni	ni	yi	yi	n	n	y	y	n	n	n	n							1	1		
Fitz William	Mr. Nahum Parker	68	ni	ni	ni	i	i	ni	ni	ni	ni	ni	ni	n	n	n	n	n	n	n	n							1	1		
Plainfield	Colo Joseph Kimball	70	ni	ni	ni	yi	ni	ni	ni	ni	ni	ni	yi	y	n	n	y	y	y	y	y							1	1		
Protectworth & N. Grantham	Saml Duncan, Esqr.	60	i	ni	ni	ni	yi	ni	ni	ni	ni	yi	ni	n	n	y	y	y	y	y	y							.	.		
Holderness, &c. (46)	Saml. Livermore, Esqr. President	47	ni	i	ni	ni	yi	ni	ni	ni	ni	ni	yi	.	n	y	n	n	n	n	n							1	1		
Plymouth & Rumney	Doctr John Rogers	47	yi	ni	yi	ni	ni	ni	ni	ni	ni	yi	ni	n	n	y	y	n	n	n	n							.	.		
New Chester, &c.	Thomas Crawford, Esqr.	44	yi	ni	yi	ni	ni	ni	ni	ni	ni	ni	yi	n	y	n	n	n	n	n	n							1	1		

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BIOGRAPHICAL SKETCHES BY THE EDITOR.

(1) JOHN PICKERING, Esq., was a native of Newington, graduated at Harvard college, in 1761, and having devoted some time to theological studies, was offered the rectorship of an Episcopal church in England. He declined, and applied himself to the study of the law, in which he became eminent. He was attorney-general, 1786; was a leading member of the convention, 1791–2; repeatedly a member of the legislature; president of the senate in 1789, and governor *ex officio* of the state, on the election of Gov. John Langdon to the senate of the United States. In 1790 he was appointed chief-justice of the superior court, which office he held five years. He was afterwards district judge of the United States. He received the degree of LL. D. from Harvard and Dartmouth colleges. He died April 11, 1805, aged 67.

(2) EDWARD S. [ST. LOE] LIVERMORE was a son of Hon. Samuel Livermore, president of the convention; was a lawyer by profession; justice of the superior court of New Hampshire, 1797 to 1799. Removing to Massachusetts, he was a member of congress from 1807 to 1811; he received the degree of LL. D. from Dartmouth college in 1800, and died at Tewksbury, Mass., September 22, aged 80.

(3) DANIEL HUMPHREYS, Esq., was a native of Connecticut; graduated at Yale college, 1757; came to Portsmouth about 1774, as a lawyer; was employed by the general assembly that year to engross acts, for which he received *2l. 0s. 6d.*; was United States district-attorney, New Hampshire. He died in 1827.

(4) Dr. SAMUEL TENNEY was born in Byfield parish, Newbury, Mass.; graduated at Harvard college, 1772, and commenced the study of medicine. He was present at the battle of Bunker Hill, where he attended to the sick and wounded; served during the whole war; was attached to the Rhode Island line of the army. At the close of the war he retired from his profession and settled in Exeter, N. H. There he was judge of probate many years; representative in congress, 1799 to 1807; he was an original member of the N. H. Medical Society, and its vice-president; a member of the American Academy of Arts and Sciences; an honorary member of the Massachusetts Medical Society, and corresponding member of the Massachusetts Historical Society. As a man of science and learning, and a true lover of his country, his death was much lamented. He died February 6, 1816.

(5) James McGregore, Esq., of Londonderry, was a member of the 4th provincial congress, in May, 1775; was on a committee to prepare a plan for furnishing troops; on the committee for supply of the army, and for the emission of money. He visited the army at Medford in June, 1775, and reported its condition to the committee of supply.

(6) Joseph Blanchard, Esq., of Chester, born 1753, came to Chester in 1772. Though of quite limited education, he was a man of strong native good sense and sound judgment. He was representative, 1788–1793; delegate to the convention which adopted the Federal Constitution, 1788; senator and councillor, 1800, 1801. He died March 7, 1833, aged 80.

(7) Ephraim Pickering, Esq., of Newington, was appointed second major in Colonel Whipple's regiment in 1776; was one of the committee of correspondence the same year, and was representative in 1780–1782. He was one of the selectmen of Newington in 1775.

(8) Moses Leavitt, Esq., of North Hampton, was appointed captain in the continental service, June 13, 1776, and authorized to raise one hundred men to join the army in New York; was on a committee of officers, at Hampton, in 1777, to petition the honorable committee of safety to take measures for the defence of the seacoast; again appointed, 1778, to enlist soldiers for the continental army; was appointed lieutenant-colonel of third regiment of New Hampshire militia in 1781, and was representative to the general assembly in 1782, 1783.

(9) Hon. Christopher Toppan, of Hampton, was a very useful and distinguished citizen, son of Dr. Edmund Toppan, and grandson of Rev. Christopher Toppan, of Newbury, Mass. His mother was a daughter of Colonel Joshua Wingate. Mr. Toppan often represented the town in the legislature, was councillor in 1786, 1790, 1794. He died February, 1819, aged 84.

(10) Hon. William Plumer, of Epping, was one of the most intelligent, active, and influential members of the convention. He was born in Newbury, Mass., June 25, 1759; in early life was a preacher; afterwards entered the law, and devoted a great part of his time to civil affairs, in the service of the people: representative from Epping eight years, senator, president of the senate, speaker of the house of representatives, senator in congress 1802–1807; for four years, 1812, 1816–1818, governor of the state, and in 1820, presidential elector. He was one of the original members and first president of the New Hampshire Historical Society, 1823, and made a donation to the society of a large and valuable collection of books, mostly public documents which he had collected and bound together. He died December 22, 1850, at the advanced age of 91 years. (See *Memoir*, &c., by his son, William Plumer, Jr.)

(11) Gen. Joseph Cilley, was a native of Nottingham, son of Captain Joseph Cilley, one of the original settlers of the town. He was of the company that siezed Fort William and Mary in 1774. At the commencement of the revolution he entered the army, was major, colonel, and had command of the first N. H. regiment. He was distinguished for bravery and patriotism during the whole contest; was a

member of the Society of the Cincinnati, major-general of the N. H. militia 1786, and as such headed the troops that quelled the insurrection in Exeter that year, arresting the leader of the rebels with his own hand. Several times elected representative. He was senator and councillor. He died, full of honors, August, 1799, aged 65.

(12) John McClary, of Epsom, was a delegate to the Provincial Congress which met May, 1775, a representative from Epsom 1776 and 1778, a member of the committee of safety, councillor from 1780 to 1784, senator from 1784 to 1787, president of the senate 1785 and 1786, and member of the convention 1791–92. He died June 16, 1801, aged 82.

(13) Benjamin Sias, Esq., was of Canterbury. He marched to Saratoga, July, 1777, with eight volunteers from that town and Loudon; had command of the fifth company in Col. Stickney's regiment at the battle of Bennington; and of the second company of Col. Nichols's regiment in Gen. Whipple's brigade, in Rhode Island, 1778; was at Portsmouth with a company in 1779. He was a brave man, and ever ready for action.

(14) Hon. Ariel Foster, of Canterbury, a native of Andover, Mass., born August, 1735; was a graduate of Harvard college, 1756; ordained as minister of the Congregational church in Canterbury, 1761; was dismissed 1779, and became distinguished in civil life as a magistrate and legislator—representative, senator two years, and president of that body; elected to congress in 1783, he was a member three years under the old confederation; under the constitution of 1788 he was a member ten years between 1789 and 1803. During life he was eminently useful and honored. He died in Canterbury, February, 1806, aged 71.

(15) Hon. Timothy Walker was the only son of Rev. Timothy Walker, the first minister of Concord; born June 27, 1737; was a graduate of Harvard college, 1756; studied theology, and was licensed to preach, September 11, 1759; preached in various places without settlement about six years. Subsequently he engaged for a while in mercantile pursuits,—but, as the revolution came on, he entered with patriotic fervor into the service of his country. He was a member of the provincial congress in Exeter, May, 1775; one of the committee of supplies; paymaster of N. H. troops at Bunker Hill and elsewhere; colonel of the third N. H. regiment. In January, 1776, he was one of the committee "to make a draft of the Declaration of Independence of the United Colonies;" was one of the committee of safety; of the council from 1776 to 1779; was repeatedly chosen as a delegate to the continental congress (though probably did not attend); was a member of the constitutional conventions in 1778 and 1781; justice of the court of common pleas from 1777 to 1809, being chief-justice the last five years. In 1798 Judge Walker was the candidate of the republican party for governor, against Governor John Taylor Gilman. Filling all town and state offices to which he was called with fidelity and honor, he died in the mansion where he was born, May 5, 1822, aged 85. (See Bouton's *Hist. Concord*, pp. 579–582, etc.)

(16) Col. Nathaniel Head was born in that part of Chester which is now Hooksett; he married a daughter of Timothy Knox, of Pem-

broke; was at Winter Hill in 1775 and 1776; ensign in Capt. Sias's company of Col. Nichols's regiment in the expedition to Rhode Island, 1778, and captain in Col. Runnels's regiment, 1781. He was the grandfather of Gen. Natt Head, of Hooksett.

(17) Hon. JOHN CALFE, a native of Hampstead, clerk of this convention, was twenty-nine years a justice of the peace, twenty-five years on the bench of the court of common pleas, and twenty-five years clerk of the house of representatives. He was a useful and good man. He died October 30, 1803, aged 69.

(18) Dr. NATHANIEL PEABODY, Esq., of Atkinson, was one of the distinguished men of his times. He was born in Topsfield, Mass., March 1, 1741, son of Dr. Jacob Peabody; his mother, Susanna, was a daughter of Rev. John Rogers, of Boxford, a descendant of the martyr of that name. Having studied medicine with his father, he settled in Atkinson, and had extensive practice. By turns he held almost every office of trust and honor in the town and state—selectman, representative, justice of the peace and quorum, colonel, adjutant-general of the state, 1777–1778; commissioner with Jonathan Blanchard, Esq., of Dunstable, to meet in convention at New Haven, Connecticut, "to regulate the prices of labor," December, 1777; member of congress, 1779–1781; and major-general of the militia of the state, 1793. In the latter part of his life he was much in debt, for which he was confined in Exeter jail, where he died June 27, 1823, aged 82.

(19) JAMES GIBSON, Esq., of Pelham, was a member of the fifth provincial congress, at Exeter, in December, 1775; representative, 1776; one of a committee to go to Boston to obtain information in order to fix on a method for raising an army; representative, 1777; on committee for regulation of trade, justice of the peace, and again representative in 1778.

(20) JOHN WALDRON, Esq., of Dover, was a representative in the provincial assembly 1774, and of the third provincial congress, at Exeter, April, 1775. He was captain of a company in Dover, that was designated by Gen. Sullivan to march to Winter Hill, in December, 1775, to take the place of the Connecticut forces that refused to remain there. In 1776 he was colonel of a regiment, which was pronounced by Gen. Sullivan to be "the first complete regiment on the spot, and by far the largest and best that came from either colony." He was a brave officer. In March, 1782, he was representative from Dover to the general assembly.

(21) Hon. EBENEZER THOMPSON was a native of Durham, and for many years one of the most prominent of her citizens. He was many times representative, clerk of the house and senate, secretary of state 1775–1785, councillor 1787, commissioner to New Haven 1777, a member of the committee of safety 1775–1781, justice of the superior court, delegate to congress 1783, &c. He died August, 1802, aged 65.

(22) Dr. JAMES HOW, of Rochester, was a respectable physician, and sometime member of the general court. He died October 13, 1807, aged 54.

(23) Rev. William Hoopler, of Madbury, was a Baptist elder, formerly of Berwick, Maine. He commenced preaching in Madbury about 1773, and continued there several years.

(24) Thomas Cogswell, Esq., son of Nathaniel Cogswell, born in Haverhill, Massachusetts, August 4, 1746. At the age of 24 he married Ruth, daughter of Gen. Joseph Badger, of Gilmanton; was an officer in the revolutionary war, with the rank of colonel; often moderator and selectman in the town; in 1784 to 1810 chief-justice of the court of common pleas, and was twice a candidate for representative to congress. In September, 1804, he presented the Congregational church in Gilmanton twenty-five dollars for purchasing *a sacramental service* for the use of the church. He died September 3, 1810, aged 64. His wife survived him, and died Oct. 16, 1839, aged 88. (See *History of Gilmanton.)*

(25) Hon. Ebenezer Smith, son of Daniel Smith, of Exeter, born in 1734, was a proprietor of the town of Gilmanton, but became an early settler in Meredith, 1768, and was as a "father to the town for many years." He was representative, justice of the peace, judge of probate, lieutenant-colonel of the 10th regiment militia, and two years president of the senate. He died at Meredith, August 27, 1807, aged 73.

(26) Daniel Bedee, Esq., was a member of the fifth provincial congress, at Exeter, December, 1775; town-clerk and justice of the peace the same year. He was representative to the general court, justice of the quorum, judge of the court of common pleas, and was a useful and much respected citizen of Sandwich.

(27) Col. Nathan Hoit, of Moultonborough, was a brave officer in the revolution; in 1777 he was ensign in Capt. Daniel Livermore's company; in 1781 he was lieutenant, and gradually advanced to the command of a regiment.

(28) David Copp, Esq., of Wakefield, was a prominent citizen; in 1771 he was appointed by Gov. John Wentworth one of a committee to lay out a road from Wolfeborough to Dartmouth college; in August, 1775, he was first major in Col. Joseph Badger's regiment of militia; in November the same year he had command of a company for the defence of the Piscataqua harbor and fortresses; in November, 1780, lieutenant-colonel of the 19th regiment of militia; and in 1782–1783 he represented the town in the legislature.

(29) Col. David Page was one of the early settlers in Conway. He went thither from Concord, about 1765, and became a leading citizen of the town.

(30) Capt. William Barron, of Merrimack, was a member of the Hillsborough county congress, that met in Amherst, April, 1775; was captain of Company 9, under Col. Isaac Wyman, 1776, and of Company 3, under Col. Moses Nichols, 1780, for the defence of West Point. He was a brave officer and prompt in duty.

(31) Zechariah Chandler, Esq., born in Bedford, May 28, 1751, died April 20, 1830, aged 79. He was grandfather of the Hon. Zach

Chandler, of Detroit, Michigan, who succeeded Gen. Lewis Cass as U. S. senator, and is Secretary of the Interior at Washington.

(32) DANIEL EMERSON, Esq., of Hollis, was appointed a coroner for Hillsborough county in 1776; captain of the 5th company in Colonel Mooney's regiment, 1779, for the expedition to Rhode Island, and was representative in 1782; he was a councillor in 1787, and died October 4, 1821, aged 75.

(33) Hon. JOSHUA ATHERTON, born at Harvard, Massachusetts, June 20, 1737; was a graduate of Harvard college, 1762; commenced the practice of law in Amherst, 1772; was father of Hon. Charles H. Atherton, and grandfather of Hon. Charles G. Atherton, both distinguished as lawyers and civilians. In the revolution, Mr. Atherton at first favored the loyalists, and for a time was imprisoned in Amherst jail, but subsequently regained the confidence of his fellow-citizens; was a member of the convention that adopted the federal constitution 1788, state senator 1793, and attorney-general of the state 1793–1801. He died in Amherst, April 3, 1809, aged 71.

(34) CHARLES BARRETT, Esq., was a distinguished citizen of New Ipswich, son of Dea. Thomas Barrett, born in 1740; a man of inventive genius and mechanical skill and enterprise, and an early manufacturer. At the beginning of the revolution he was suspected of tory principles, but he regained the confidence of his fellow-citizens; was a delegate to the federal convention in 1788, representative 14 years, a senator and councillor. He died September 21, 1808, aged 68.

(35) WILLIAM ABBOTT, Esq., born in Andover, Mass., Jan. 14, 1748; settled in Wilton in 1772, where he was for many years a prominent man in town affairs, serving as selectman, town-clerk, and representative; he was also a member of the conventions of 1788 and 1791–2. He was a patron of learning, good order, and religious institutions, and a man of strict integrity. He died November 30, 1793, aged 45, leaving a wife, six sons, and three daughters.

(36) Hon. JEREMIAH SMITH was one of the most active and influential members of the convention. He was a native of Peterborough, born November 29, 1759; he was in the battle of Bennington at the age of 18; graduated at Rutgers college in New Jersey, 1780; admitted to the bar 1786, and practised in his native town about ten years; represented that town 1788–1790; a member of congress 1791–1799, four terms. In February, 1801, he was appointed by President Adams judge of the circuit court of the United States; in 1809 he was elected governor of the state; was chief-justice of the superior court from May, 1802, to May, 1809, and of the supreme judicial court from July, 1813, to June, 1816. He received the honorary degree of LL. D. both from Harvard and Dartmouth colleges. He settled in Exeter about 1797, where he resided the greater part of his public life, useful and honored. He died at Dover, September 21, 1842, aged 83. (See *Memoir of*, by Rev. John H. Morrison.)

(37) ROBERT WALLACE, Esq., of Henniker, was a native of Londonderry, judge of the court of common pleas for Hillsborough county

from 1803 to 1813; councillor from 1788 to 1789, and from 1790 to 1803, making in all 14 years. He died in January, 1815, aged 66.

(38) Major BENJAMIN PIERCE, of Hillsborough, born December 25, 1757, in Chelmsford, Mass.; governor of the state in 1827, and again in 1829; was the father of Franklin Pierce, president of the United States in 1852–1856. He was a soldier in the revolution, afterwards inspector-general of the Hillsborough county militia, and brigadier-general; sheriff of the county 1807–1814, and 1819–1827; representative eleven years, and councillor six years. A gentleman of the old school, and of generous and noble impulses, he was held in honor as a citizen. He died at his family mansion in Hillsborough, April 1, 1839, in the 82d year of his age.

(39) Rev. AMOS WOOD was pastor of a Baptist church in Weare; he was ordained November 19, 1788, and died February 3, 1793.

(40) Major CALEB STARK was the eldest son of Gen. John Stark, born December 3, 1759. He was at the battle of Bunker Hill in 1775; continued in the army through the war; he had commission as ensign in 1776; was adjutant in Col. Cilley's regiment in the battle of Behmus Heights, October, 1777. After the revolution he resided in Boston as an importing merchant some years, but in 1812 he engaged in cotton manufacture in Suncook, New Hampshire. He died in Oxford, Ohio, August 26, 1838, but was buried in Dunbarton.

(41) Rev. JONATHAN SEARLS was born in Rowley, Massachusetts; graduated at Harvard college, 1765; was minister of the Congregational church in Salisbury, of which Col. Ebenezer Webster was a member. He was ordained November 17, 1773, dismissed November 8, 1791, and died in December, 1819, aged 74.

(42) NATH'L SARTILE PRENTICE, of Alstead, was town-clerk in 1775, representative in 1775 and 1776; was captain of a company, and justice of the peace for Cheshire county in 1776, and in July of that year was one of the committee of safety. When the dispute arose relating to the New Hampshire grants, 1776–1780, he took sides with Vermont, and on Dec. 5, 1781, a warrant was issued for his arrest, on charge of "acting as an officer of Vermont" within the bounds of New Hampshire, and as "guilty of sundry acts inimical to this state." Accordingly he was arrested, tried by the committee of safety, and imprisoned in Exeter gaol, 1782. In March the general assembly voted "to strike off his name from the list of civil officers in the state." It appears that he regained the confidence of his fellow-citizens, and was delegate to the convention in 1791–92.

(43) DANIEL NEWCOMB, Esq., of Keene, graduated at Harvard college 1768; was town-clerk; one of the delegates to the convention in Walpole, November 15, 1780, relating to the jurisdiction of the New Hampshire grants, and again at Charlestown in January 24, 1781. In 1796–1798 he was chief-justice of the court of common pleas for Cheshire county. He died 1818.

(44) Col. DANIEL RAND, of Rindge, was born in Shrewsbury, Massachusetts, Oct. 15, 1742, son of Solomon Rand. In the revolution he

was an ensign in the Lexington company, lieutenant in Col. Isaac Wyman's regiment in 1776, and captain in Col. Moore's regiment in 1777, and was appointed colonel of New Hampshire militia about 1785. He represented the town in the legislature ten years, and seven years was one of the selectmen of the town; a man "of strict integrity and unimpeachable character." He died July 3, 1811, aged 69.

(45) JOHN DUNCAN, Esq., was a native of Londonderry, and settled in Antrim in 1773, his family being the seventh that settled there. He was long an eminent citizen, being selectman, town-clerk, representative, and senator. His cheerfulness, candor, and integrity won him many friends. As a magistrate, he was eminently a peace-maker; and as an elder of the church, he labored to advance the moral and religious interests of the town. Sometimes, but sparingly, he indulged in sallies of wit. A Mr. Pickering, an eminent lawyer, once said in the house of representatives that lawyers were the *pillars* of the state, as without their aid not a single important bill could be drafted. Mr. Duncan rose and said, in his Scottish accent,—"*Mr. Speaker:* There are different kinds of *pallyars:* there is a kind of pallyars that supports buildings; there is also another kind of pallyars called *cater-pallyars*, that devour men's substance. If the gentleman refers to the latter kind of *pallyars*, I perfectly agree with him." He closed his long life in March, 1823, at the age of 89. *(Hist. of Antrim.)*

(46) Hon. SAMUEL LIVERMORE, Esq., president of the convention, was probably a descendant of John Livermore, who was in Watertown, Mass., 1642. He was born in Waltham, Mass., May 14, 1732, O. S; graduated at Princeton, N. J., 1752; came to New Hampshire 1757, and established himself in Portsmouth; for several years was judge-advocate of the admiralty court, and in 1769 was the king's attorney-general for New Hampshire. About 1765 he settled in Holderness, Grafton county; representative from that town; attorney-general of the state before the revolution, and afterward, 1776; in 1779 he was appointed commissioner to support and defend the claims to the New Hampshire grants; member of congress 1780–1782, and then chief-justice of the state 1782–1790, as successor of Hon. Meshech Weare. He was a member of the federal convention in 1788; again elected to congress 1790–1793; United States senator six years; he received the honorary degree of LL. D. from Dartmouth college 1792. He died at Holderness, May, 1803, in the 72d year of his age.

(47) ELISHA PAYNE, Esq., of Lebanon, graduate of Dartmouth college in 1784; died 1808, aged 45.

[P. 37.] A JOURNAL OF THE PROCEEDINGS OF THE CONVENTION OF THE STATE OF NEW HAMPSHIRE FOR REVISING THE CONSTITUTION OF SAID STATE.

Wednesday, Sept^r. 7^th 1791.

Upwards of eighty members met in Convention agreably to precepts issued for that purpose: After making choice of the Hon^ble Timothy Walker, Esq. as chairman and being sworn, proceeded to the choice of a Secretary by ballot, and John Calfe, Esq. was chosen and sworn for that purpose.

Motion was then made for the choice of a President and the Hon^ble Samuel Livermore, Esq. was chosen.

Voted, That Mr. Cilley, Mr. Thompson, Mr. Newcomb, Mr. Walker & Mr. Macgregore be a Committee to examine the returns of the several members and report thereon.

Voted, That Mr. Plummer, Mr. Page, Mr. Rogers, Mr. [P. 38.] Livermore & Mr. Atherton be a Committee to report such rules as they may judge necessary to be observed in regulating the proceedings in this Convention.

Voted that the Rev^d Mr. Evans be requested to attend and officiate as Chaplain (1) to this Convention during their present Session.

Adjourned to 9 o'clock to-morrow morning.

Thursday, Sept^r 8^th, 1791.

Met according to adjournment.

The Committee to examine the returns having reported: Resolved that the returns of members from the Towns and districts intitled to send delegates to this Convention be received and deemed sufficient unless any particular objection is made thereto.

With respect to Towns that had chosen members, who had not heretofore sent Representatives to the General Court, the Committee reported as follows:—That the Town of Epsom is intitled by Constitution to send a member to Convention.

(1) The Rev. Israel Evans was at this time minister of Concord, and pastor of the Congregational church. He was a chaplain in the army during the revolution. From 1777 till the close of the war he was connected with the New Hampshire brigade, at first under the command of Gen. Enoch Poor. He was a great admirer and friend of Gen. Washington. It is related that in his last sickness, being visited by Rev. Dr. McFarland, his successor in office, the latter prayed for him, "That at life's close he might sit down with Abraham, Isaac, and Jacob in the kingdom of God." To which Mr. Evans audibly added, "*and with Washington, too.*" He died in Concord, March 9, 1807, in the 60th year of his age.—Ed.

[P. 39.] They have also had satisfactory evidence to them, that Northwood & Allenstown have a Constitutional right to send a member, & that Allenstown was notified to join in the meeting at which Jonathan Clark Esq was chosen.

It appears to your Committee from evidence satisfactory to them that Hinnekar & Hillsborough each have a right by the Constitution to send members.

The Town of Litchfield hath not been classed with any other Town for representation since the Constitution was adopted & therefore have not been represented in the General Court, but would have been entitled to send a member had they petitioned the General Court for the purpose.

That Rochester has a Constitutional right to send two members to the Convention.

The foregoing report was accepted, and the Delegates allowed a seat in Convention.

The Committee to report such Rules as they judged necessary to be observed in regulating the proceedings in Convention reported the following rules.

[P. 40.] 1st. The President having taken the Chair and a Quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall have been made in the entries.

2d. No member shall speak to another or otherwise interrupt the business of the Convention while the Journal is reading or when any member is speaking; nor pass between the President and a member speaking.

3d. Every member when he speaks shall stand up and address the President and when he has finished shall sit down.

4th. No member shall speak more than twice in any one debate on the same day without leave of the Convention.

5th. When two members rise at the same time, the President shall name the person to speak, but in all cases the person first rising shall speak first.

[P. 41.] 6th. When the President shall stand up to put the question, the members shall sit down and keep silence.

7th. No motion shall be debated until the same shall be seconded—and any member may at any time withdraw his motion.

8th. When a motion shall be made and seconded it shall if desired by the President or any member be reduced to writing, delivered in at the table and read by the President before the same shall be debated.

6th. While a question is before the Convention, no motion shall be received, unless for an amendment, for postponing the main question, or to commit it, or to adjourn.

10th. The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" and if the negative prevails the main question shall not then be put.

[P. 42.] 11th. If a question in debate contain several points, any member may have the same divided.

12th. Committees of less than five shall be nominated by the President, but Committees of five or more shall be chosen by ballot.

13th. Questions of order shall be determined by the President, but any member may appeal to the Convention; and when a member is called to order, he shall sit down until the question is determined, whether he is in order or not, which shall be decided without debate, but the member may explain.

14th. The yeas & nays if called for by any one member shall be entered on the Journal upon any proposition moved to be sent out to the people as an amendment or alteration to the Constitution; and each member present, and having heard the debates upon the particular question shall give his yea or nay except excused by a vote of the Convention: [P. 43.] —and in the same manner may the yeas and nays be taken and entered on the Journal upon all the amendments collectively agreed to by the Convention to be sent out to the people.

15th. Every question being put by the President shall be taken to be in the affirmative unless disputed by a member, on which case, the members shall be counted beginning with those in the affirmative standing up, and then those in the negative the same; and every member having heard the debates shall vote upon the question, except excused by a vote of the Convention.

16th. No person except a member or an officer of this Convention shall be allowed to come within the Bar of the House, (1) except such public characters as the President may invite, for whom particular seats shall be assigned.

(1) The meeting of the convention was held in the town-house in Concord, built in 1792, and designed at the time partly for the accommodation of the general court. It was a one-story building, on the spot where the city hall stands, with a door in the middle. The interior contained two rooms, one for the house of representatives, on the north side, and the other for the senate, on the south, with several small committee-rooms on the back side. A stairway led to a small gallery for spectators. In this building the general court held its sessions till the completion of the state house in 1819. See Bouton's *Hist. of Concord*, pp. 346–7.—Ed.

Which Report was read and considered, received and accepted.

Read the Bill of Rights & Constitution of the State.

[P. 44.] Adjourned to 3 o'clock, P. M.

Met accordingly.

Voted That the Constitution be read by sections or articles, in order that any member may offer his sentiments relative to any defects therein and propose such alterations as he may think necessary. The 1st, 2d, 3d, 4th & 5th articles in the Bill of rights were read and no debate ensued.

The 6th article was read & largely debated and some alterations proposed, but no vote obtained in favour of the alterations.

A motion was made to erase the 6th article in order to substitute another in its stead; on which motion the yeas & nays were called and are as follows, viz.

Yeas.	*Yeas.*
Mr. Humphreys	Mr. Flanders
Mr. Plummer	Mr. Whipple
Mr. Dow	Mr. Rogers
Mr. Hoyt	Mr. Crawford
Mr. Tash	Mr. Johnson
Mr. Copp	Mr. Hutchins
Mr. Greeley	Mr. White.
Mr. Stark	
Nays.	*Nays.*
[P. 45.] Mr. E. Livermore	Mr. Walker
Mr. Tinney	Mr. Head
Mr. Macgregore	Mr. Emerson
Mr. Blanchard	Mr. Swain
Mr. Pickering	Mr. Tilton
Mr. Brackett	Mr. Calfe
Mr. Goss	Mr. Peabody
Mr. Leavitt	Mr. Davidson
Mr. Toppan	Mr. Gibson
Mr. Dodge	Mr. Waldron
Mr. Robinson	Mr. Thompson
Mr. Fogg	Mr. Rawlings
Mr. Webster	Mr. Palmer
Mr. Wheeler	Mr. How
Mr. Stow Ranney	Mr. Waldron
Mr. Rogers	Mr. Harper
Mr. Cilley	Mr. Cogswell
Mr. March	Mr. Clough
Mr. McClarey	Mr. Hooper
Mr. Clark	Mr. Smith
Mr. Sias	Mr. Bedee
Mr. Foster	Mr. Hodgdon

Mr. D. Page	Mr. Whitcomb
Mr. R. Parker	Mr. Gilmore
Mr. Alld	Mr. Alexander
Mr. Barron	Mr. Temple
Mr. Chandler	Mr. Jackson
Mr. Wm. Page (G)	Mr. Rand
Mr. D. Emerson	Mr. French
Mr. Atherton	Mr. Kingsbury
Mr. Barrett	Mr. Chase
Mr. Fisk	Mr. Wilcox
Mr. P. Clark	Mr. Duncan
Mr. Cragin	Mr. Holmes
Mr. J. Smith	Mr. Wardell
Mr. Nicols	Mr. Tainter
Mr. Wallace	Mr. N. Parker
Mr. Pierce	Mr. Kimball
Mr. Warren	Mr. Livermore
Mr. Wood	Mr. Payne
Mr. Searls	Mr. Franklin
Mr. Green	Mr. Tarlton
Mr. W. Page (C)	Mr. Carlton
Mr. Prentice	Mr. Cargill.
Mr. Newcomb	

15 yeas—89 Nays. So it was negatived.

Adjourned to 9 o'clock to-morrow morning.

Friday Sept^{r}. 9th 1791.

Met according to adjournment.

Resolved, that the following rule be observed in regulating the proceedings in this Convention.

[p. 46.] 17th. That it be a rule in conducting business that in any stage of a Question a motion to postpone the further consideration of any matter in debate, be considered as in order, and the main question left open for future discussion.

The 7th, 8th, 9th, 10th 11th, 12th, 13th, 14.th 15th and 16th Articles were read and no debate ensued.

The 17th Article was read, and it was resolved that the following words be inserted, "in the Courts of this State," which words are to follow next after the words, "In criminal prosecutions," and that the word "Assembly" be expunged, and the word "Legislature" inserted in lieu thereof.

The 18th Article was read and no debate thereon.

The 19th Article was read and debated and motion was made to expunge all the words in said Article, after the word "possessions," which motion was committed to the con-

sideration of Mr. Peabody, Mr. Foster and Mr. Smith of Peterboro';—and that they report thereon.

[P. 47.] The 20th Article was read and objected to and it was voted to be postponed until the Judiciary System may come under consideration.

The 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th 29th & 30th were read and no debate ensued.

The 31st was read and debated, and motion was made to strike out the whole of said article—the determination on said motion was voted to be postponed until the Constitution comes under consideration.

The 32d Article was read and motion made to postpone the consideration thereof until the Plan of Government comes under consideration.

The 33d & 34th Articles were read but not debated.

The 35th Article was read and after some debate it was voted to be postponed until the Plan of Government comes under consideration.

The 36th, 37th & 38th Articles were read and no debate thereon.

Adjourned to 3 o'clock P. M.

Met accordingly.

The first paragraph in the Form of Government under Part 2d, was read and not debated.

Under General Court, the first was read and not debated.

The second paragraph was read and motion was made [P. 48.] that the word "June" be struck out and the word January inserted, which was negatived. Motion was then made that the word "June" may be struck out and some other may be agreed on—but the motion was lost.

The 3d & 4th paragraphs were read but not debated.

Under Senate,

The first paragraph was read and debated but no alteration took place.

The second was read and debated with respect to the number of Senators and the proportion as it now stands; which debate terminated in the following motion, "That that part of the Constitution which respects the number and proportion of Senators be referred to a Committee of one from each County;—which passed in the affirmative, and the ballots

being taken for the Committee Mr. Peabody, Mr. Cogswell, Mr. Smith of Peterboro', Mr. Page of Charlestown & Mr. Freeman were chosen to take said motion under consideration and report thereon.

The third, fourth, fifth & sixth paragraphs were read and no debate thereon.

[p. 49.] The seventh paragraph was read and motion was made that the word "majority" be struck out, and the word plurality inserted—which motion after debate, was voted to be postponed.

Adjourned to 9 o'clock to-morrow morning.

Saturday Sept^r. 10^th^, 1791.

Met according to adjournment.

The seventh paragraph having again come under consideration, motion was made that the whole of the paragraphs under the head of Senate, be referred to the Committee appointed on the motion respecting the number and proportion of Senators, and that they report on the whole under said head.

Under the head,

"House of Representatives,"

The whole was read—Then proceeded by paragraphs. On reading and considering the first paragraph under said head, motion was made that the words "One hundred & fifty" be expunged, and the words "two hundred" inserted—which motion was lost. Motion was then made that the paragraph ascertaining the number and proportion of Representatives be so altered as to lessen the number of Representatives;—[p. 50.] After some debate, the previous question was called for, and the question was put by the President, Shall the main question be now put? which passed in the negative: after which the yeas and nays were called for; but it being doubted whether it were in order to call for the yeas & nays after the matter was decided, the President requested the opinion of the Convention on the point of order; The same was determined by yeas and nays and are as follows, (viz.)

Yeas.	*Yeas.*
Mr. E^d^ Livermore	Mr. Goss
Mr. Humphrey	Mr. Robinson
Mr. Tinney	Mr. Fogg
Mr. Macgregore	Mr. Stow Ranney

Mr. Plummer
Mr. Rogers
Mr. March
Mr. Waldron
Mr. Thompson
Mr. Chandler
Mr. Page (Goffstown)
Mr. Barrett
Mr. Fisk
Mr. Jer[h] Smith
Mr. Stark
Mr. Green
Mr. Page (Charles[tn])
Mr. Prentice
Mr. Newcomb
Mr. Gilmore
Mr. Temple
Mr. Kingsbury
Mr. J. Duncan
Mr. Freeman
Mr. Payne
Mr. Franklin.

Nays.

Mr. Blanchard
Mr. E. Pickering
Mr. Brackett
Mr. Leavitt
Mr. Dodge
Mr. Webster
Mr. Wheeler
Mr. Cilley
Mr. McClarey
Mr. Clark
Mr. Sias
Mr. Foster
Mr. E. Wood
Mr. Walker
Mr. Head
Mr. N. Emerson
Mr. Swain
Mr. Tilton
Mr. Calfe
Mr. Peabody
Mr. Dow
Mr. Davidson
Mr. Gibson
[P. 51.] Mr. Rawlings
Mr. Palmer
Mr. How
Mr. Waldron
Mr. Harper
Mr. Cogswell
Mr. Clough
Mr. Hooper
Mr. E. Smith
Mr. Bedee
Mr. Hoit
Mr. Hodgdon
Mr. Tash
Mr. Copp

Nays.

Mr. R. Parker
Mr. Alld
Mr. Barron
Mr. D. Emerson
Mr. Atherton
Mr. Abbott
Mr. P. Clark
Mr. Cragin
Mr. Nichols
Mr. Wallace
Mr. Pierce
Mr. Warren
Mr. Greeley
Mr. A. Wood
Mr. Searls
Mr. Flanders
Mr. Whitcomb
Mr. Whipple
Mr. Alexander
Mr. Jackson
Mr. Rand
Mr. French
Mr. Chase
Mr. Wilcox
Mr. Holmes
Mr. Wardell
Mr. Tainter
Mr. N. Parker
Mr. Kimball
Mr. S. Duncan
Mr. Rogers
Mr. Crawford
Mr. Johnson
Mr. Hutchens
Mr. Tarlton
Mr. White
Mr. Carlton.

29 yeas, 74 nays--so it was determined to be out of order.
Adjourned to 3 o'clock P. M.

Met accordingly.

The first paragraph being again read, a motion was made to postpone the further consideration thereof until Monday next at 4 o'clock P. M.—passed in the affirmative. The second, third & fourth paragraphs were read & motion was made to postpone the consideration thereof until Monday next at 4 o'clock P. M. which passed in the affirmative.

The fifth paragraph was read and motion made that an alteration be made in this Article so that the election be determined by poll, if required by seven of the electors present:—which motion was lost: motion was then made that the words "Shall be of the Protestant religion," be struck [P. 52.] out—to determine which the yeas & nays were called, and are as follows, (viz.)

Yeas.	*Yeas.*
Mr. Humphreys	Mr. Whipple
Mr. Tinney	Mr. Temple
Mr. Blanchard	Mr. Copp
Mr. Stow Ranney	Mr. Wilcox
Mr. Plummer	Mr. Freeman
Mr. Rogers	Mr. Payne
Mr. Foster	Mr. White
Mr. Peabody	Mr. Carlton
Mr. Hoyt	Mr. Rogers
Mr. Thompson	Mr. P. Page
Mr. Greeley	Mr. Crawford
Mr. Larrett	Mr. Johnson
Mr. Flanders	Mr. Freeman
Mr. Jer[h] Smith	Mr. Payne
Mr. Tash	Mr. How
Mr. Stark	Mr. Clough
Mr. Bedee	Mr. Bedee ? (1)
Mr. Page, (C)	Mr. Hooper.

33 yeas—51 nays—so it was negatived.

[NOTE. The names of the *nays* are not entered; and the *yeas*, as recorded, are 35 instead of 33.—ED.]

Adjourned to Monday next at 10 o'clock, A. M.

[P. 53.] Monday, Sept. 12th, 1791.

Met according to adjournment.

The sixth paragraph was read and the following introduced in its stead.

"The members of both Houses of the Legislature shall be compensated for their service out of the public Treasury

(1) This name appears twice.—ED.

by a Law made for that purpose. All vacancies may be filled up at any time as occasion may require."

The 7th paragraph was read but not debated.

The 8th was read and some debate ensued but no alteration made.

The 9th, 10th, & 11th paragraphs were read & no debate ensued.

The 12th paragraph was read and motion made to make the following addition: "The House of Representatives shall be the Judge of the returns, elections and qualifications of its own members as pointed out in the Constitution"—which passed in the affirmative.

The 13th paragraph was read and motion made to strike out the following words—"The Journals of the proceedings of both Houses of the General Court shall be printed and published immediately after every adjournment or prorogation:"—After some debate the motion was referred to Mr. [P. 54.] Peabody, Mr. Thompson and Mr. Payne, who are to report their opinion thereon.

Motion was then made that the last clause of said paragraph be expunged, which consists of the following words: "And upon motion made by any one member, the yeas & nays upon any question shall be taken & entered in the Journals:" after some debate the motion was withdrawn.

Motion was then made that said last clause be altered to read in the following manner:—"And upon motion made by any one member and seconded by another, the yeas and nays upon any question shall be taken and entered in the Journals"—which motion was determined in the negative by yeas and nays, which were as follows:

[The names are not entered.—Ed.]

[P. 55.] 19 yeas, 62 Nays. (1)

Executive Power.

Under the head of President.

The first paragraph was read and voted that the stile of the Supreme Magistrate be altered from "the President of the State of New Hampshire," to "the Governor of the State of New Hampshire."

(1) Persons who are curious to learn the names of those who voted yea or nay, may consult the marks *y* or *n* as entered against the name of each member on a specified day, as seen in the list of members on pp. 2–33.—Ed.

The second & third paragraphs were read and the consideration thereof postponed by vote until the afternoon.

The fourth paragraph was read and motion was made to expunge said paragraph, and after some debate passed in the affirmative;—the yeas and nays on the determination were as follows, (viz.)

[Names are not entered.—Ed.]

[p. 56.] 65 yeas—14 Nays.

Adjourned to 3 o'clock P. M.

Met accordingly.

The fifth & sixth, seventh & eighth paragraphs under said head were read and no debate ensued.

The ninth paragraph was read and motion was made that the following be inserted in lieu thereof:—"that all Judicial Officers, the Attorney General, Solicitors, all sheriffs, coroners, registers of probate, and all officers of the Navy and [p. 57.] general and field officers of the militia, shall be nominated by the Governor and by and with the advice and consent of the Council, shall be appointed by him, and every such nomination shall be made at least seven days prior to such appointment and no appointment shall take place unless three of the Council agree thereto. The Captains & subalterns in the respective regiments shall be nominated and recommended by the field Officers to the Governor, who is to issue their Commissions immediately on receipt of such recommendation.

Resumed the consideration of the first paragraph under the head of House of Representatives, [see marg. pp. 49–51] which was postponed on Saturday last to this time, and motion was made in the following words: "That there shall be in the Legislature of this State a House of Representatives consisting of sixty persons who shall be the second branch of the Legislature and annually elected by the people: That such representation may be as equal as circumstances will admit, the General Court shall divide the State into sixty districts making such division by the number of rateable polls as equal as may be so as not to divide towns & unincorporated places, and timely to make known to the Inhabitants [p. 58.] of the State the limits of each district; That each district shall be entitled to send one representative; that the member of the House of Representatives shall be annually elected on the first Monday of March; That every male

inhabitant of each town in the District to which he belongs of twenty one years & upwards, paying for himself a poll Tax shall have a right at said meeting to be duly warned & holden annually forever on said first Monday of March, to vote in the town wherein he dwells for the representative of the district whereof he is a member, and after the Inhabitants of the towns have voted the meetings shall be adjourned to the third Monday of March; That on the second Monday of March the several Town clerks of each district shall meet at some convenient central place in the district with copies of the record of the proceedings of said town meetings to examine and count the votes, and if upon examination it shall appear to said Town clerks that any one has a majority of the votes, they shall declare him chosen and a certificate of his choice signed by the major part of said clerks shall be [P. 59.] deemed sufficient evidence of his election; but in case no one person has a majority of votes the said clerks shall return to the several Towns in the district the two persons having the highest number of votes, and on the third Monday of March the inhabitants of the said Towns shall elect one of the candidates to represent said district: The said Town clerks of the district shall meet again on the fourth Monday of March at the place of their first meeting with a copy of the record of the last meeting, and sort, count and examine the votes and declare who is elected representative of the district, and a certificate signed by the major part of said clerks shall be the proper evidence of such Representative's election.*

[P. 60.] After some debate, a division of the motion was called for and the yeas and nays required on the first clause in said motion, namely—"There shall be in the Legislature of this State, a House of Representatives consisting of sixty persons who shall be the second branch of the Legislature, and annually elected by the people."

The yeas & nays being taken were as follows, viz.†

22 yeas—73 nays, so it was negatived.

[P. 61.] Motion was then made to strike out the words "one hundred and fifty," in order to insert a larger number: to determine which the yeas and nays were called and are as follows (viz.)

[P. 62.] 31 yeas—70 nays. So it was negatived.

* This motion was made by William Plumer.—*Marg.*

† Names are not in any case entered.—Ed.

Motion was then made that the words "if four hundred and fifty rateable polls," be erased and the words "three hundred" be inserted instead thereof: And the words, "making three hundred such polls the mean increasing number for every additional representative," be also erased:—on which motion the yeas and nays were called for and were as follows, (viz.)

[P. 63.] 21 yeas—77 Nays. So it passed in the negative.

Adjourned to 8 o'clock to-morrow morning.

Tuesday, Sept. 13th, 1791.

Met according to adjournment.

The second, third & fourth paragraphs under the head of House of Representatives were resumed, read & considered, but no alteration made.

Proceeded to tenth paragraph under the head President.

The 10th, 11th, 12th, 13th, 14th, 15th, 16th, & 17th paragraphs were read and no debate ensued.

[P. 64.] The 18th paragraph was read and postponed until the committee report, who were chosen to report respecting senators.

Under the head "Council"

The first paragraph was read and after some debate, voted to postpone the whole under the head Council, until it shall be determined in what manner the Senate shall be appointed.

Under the head,

"Secretary, Treasurer, Commissary Gen^{l}." &c.

the first & second paragraphs were read & no debate ensued.

Under the head

"County Treasurer," &c.

The paragraph was read and after some debate, voted, That the following be inserted instead thereof: "The County Treasurer and register of Deeds shall be elected annually by the Inhabitants of the several Towns in the several Counties in this State according to the method now practised; But the Legislature may alter the present Laws & method of collecting the votes, and before they enter upon the business of their offices, shall be respectively sworn faithfully to dis-

[P. 65.] charge the duties thereof, and shall severally give

bond with sufficient sureties in a Reasonable sum for the use of the County for the punctual performance of their respective trusts."

The committee chosen to report upon several paragraphs under the head "Senate" reported in favour of several amendments or alterations, as follows:—

1st "The Senate shall choose one of their own members President of the Senate"—which was read and considered, received and accepted.

2d. "The Legislature shall divide the State into twelve districts having respect to the proportion of public taxes as nearly equal as may be without dividing Towns or places, and each district shall choose one."

Upon reading the 2d paragraph above mentioned, motion was made to strike out the word "twelve," and insert the word "fifteen," which motion was determined by yeas and nays and were as follows:—

[P. 66.] 18 Yeas, 81 Nays. So it was negatived.

Motion was then made to strike out the word "twelve" and insert the word "thirteen," which passed in the affirmative—and the paragraph thus amended was recd & accepted.

3d "The 2d section under the head of Senate to be expunged"—which passed in the affirmative.

4th "Meetings for the choice of Senators to be holden on the 1st Tuesday of March & adjourned to the third Tuesday of the same month," which was read and debated, and the following voted to be inserted in its stead:—The Inhabi-

[P. 67.] tants of the several towns and places in this State shall give in their votes for Senators at their annual meetings in the month of March.

5th. "Meetings for the choice of Senators to be holden, governed and the proceedings certified as the Law directs in other cases"—which passed in the affirmative.

6th. "The votes to be returned to persons appointed by the Legislature in each district who are to count them, and in case of no choice return the two highest to the several towns and places in such district; one of whom at the adjourned meeting to be elected."

Which 6th article in the report was divided and the first part thereof accepted, namely, "The votes to be returned to persons appointed by the Legislature in each district who are to count them."

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Motion was then made that the remainder of the sixth article reported, be struck out, "and in case &c." and the following words inserted: "And the person having the highest number of votes in each district shall be declared duly chosen and the choice shall be certified by the persons who examine the votes."

To determine which the yeas and nays were called, and are as follows:—viz.

[P. 68.] 57 yeas, 41 nays. So it passed in the affirmative.

7th. "The qualification of a Senator as to estate shall be *five hundred pounds*," which was debated and motion made that "five hundred" be struck out, and "two hundred" inserted, which passed in the affirmative; and the paragraph accepted with the amendment.

[P. 69.] 8th "Vacancies shall be filled up by the district in which the same may happen in the same manner: the governor appointing the time of holding the meetings:" which was read and considered, recd & accepted.

9th "When the Senate sit on the trial of impeachments, they may adjourn themselves to any time and place, though the Legislature be not then & there assembled:"—which was read and consider'd received and accepted.

Adjourned to 3 o'clock, P. M. Met accordingly.

Under the head, "Judiciary Power,"

The whole was read and no debate ensued.

Under the head, "Clerks of Courts,"

The paragraph was read and no debate thereon.

Under the head, "Delegates to Congress,"

The whole was read, and voted that it be expunged.

Under the head, "Encouragement of Literature,"

The Paragraph was read but not debated.

Under the head, "Oaths & Subscriptions," &c.

the first paragraph was read containing form of Oaths &c. motion was made, the form of Oath called the Oath of [P. 70.] allegiance be struck out in order to introduce some other form instead thereof:—which passed in the affirmative:—where upon Voted that the following form be inserted:

"I, A. B. do solemnly swear that I will bear faith and true allegiance to the State of New Hampshire, and will support the Constitution thereof.

So help me God."

Voted that the following proviso be inserted, namely: "Provided also, that when any person chosen to any of the offices aforesaid shall have already taken & subscribed this Oath or affirmation of Allegiance and the same shall be on record or on file in the Secretary's office, it shall not be necessary for him to take it again on his being chosen."

The second and third paragraphs were read and no debate thereon.

The fourth paragraph was read, and it was voted to strike out the whole of the paragraph excepting the following words: "all writs issuing out of the Clerks office in any of the Courts of Law shall be in the name of the State of New Hampshire."

[P. 71.] The 5th, 6th, 7th, 8th, 9th, & 10th paragraphs were read and not debated.

The eleventh paragraph was read and after some debate the following alterations were voted, That the words "members of Congress or any person holding an office under the United States shall hold the office of Governor or"—which words are to be inserted between the word "naval officers" and the words, "shall at the same time" &c.

The following motion was made, "That attorneys that practise at the Bar be exempted from holding a seat in the Senate or House of Representatives," on which motion the yeas & nays were called and are as follows:

[P. 72.] 15 yeas—79 Nays. So the motion was lost.

Motion was then made that no member of the General Court shall take fees, be of Council or act as advocate in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature;—which passed in the affirmative.*

The remaining paragraphs were read and no debate thereon.

Voted, That Mr. Plummer, Mr. Smith & Mr. Payne be a Committee to reduce to form the proposed amendments and report thereon.

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* This motion was made by William Plumer.—*Marg.*

[p. 73.] Voted That Mr. Newcomb, Mr. Humphreys and Mr. Atherton be a Committee to take under consideration the several paragraphs under the head "COUNCIL," and report thereon.

Adjourned to 9 o'clock to-morrow morning.

Wednesday, Sept^r 14, 1791. Met according to adjournment.

The Committee to consider of that article in the Constitution which directs that the Journals of both Houses of the General Court be printed immediately after every adjournment &c. Reported, "That said article ought to be expunged." Upon reading and considering said report, motion was made to accept the same—on which motion the yeas and nays were called, and are as follows:

[p. 74.] 37 yeas, 58 Nays. So it was rejected.

Voted That Mr. Walker, Mr. Peabody & Mr. Cogswell be a Committee to take under consideration and report such directions respecting printing the Journals of the proceedings of both Houses of the General Court as they may judge proper.

Adjourned to 3 o'clock P. M. Met accordingly.

The Committee to consider the 19th article in the Bill of rights [see marg. p. 46] &c. Reported, That after the first [p. 75.] period, it be altered so as to read thus (viz.) "Therefore all warrants to search suspected places or to arrest a person for examination or trial in prosecution for criminal matters, are contrary to this right" if the cause &c. then proceed as it now stands in said 19th article: Which report being read and considered, Voted that it be received and accepted.

The Committee to consider that part of the Constitution which respects printing and publishing the proceedings of both Houses of the Legislature, [see marg. p. 74] Reported: "That the Journal or Register of said proceedings to be published contain all acts and Resolves passed and all votes for raising, granting or appropriating public monies;—A brief statement of facts with the prayers contained in any Petition, by whom offered, & the proceedings thereon; Every motion acted upon & by whom made & seconded; an account of all Committees chosen with their reports and proceedings thereon; and the yeas & nays upon all acts & Laws."

Upon reading and considering the foregoing report, motion was made to divide the same in the following manner: [p. 76.] "That the journal or Register of said proceeding to be published contain all Acts & Resolves passed, and all votes for raising, granting or appropriating public monies,"— be first put to vote: which vote obtained, and the report thus far received and accepted.

Motion was then made that the remaining part of said Report be accepted, namely "a brief statement" &c. on which motion the yeas & nays were called and are as follows:

38 yeas—64 nays. So it was negatived.

[p. 77.] Adjourned to 9 o'clock to-morrow morning.

Thursday, Sept^{r} 15th, 1791. Met according to adjournment.

The Committee appointed to take into consideration the method of appointing the Council &c. [see marg. p. 73] Reported:—which report after some small alterations made in Convention stands in the following words, viz.

"That there be annually chosen by ballot by the Inhabitants of this State qualified to vote for Senators, five Counsellors for advising the Governor in the executive part of the Government, one of whom shall be voted for and chosen in each County by the Inhabitants within the same qualified as aforesaid, on the day for the election of Senators; and the number of votes shall be returned in the manner provided for returning votes for the Governor to the Secretary of the State, and shall be sorted and counted by the Secretary and the Treasurer until the Legislature shall order otherwise; and the person having the highest number of votes in each County shall be considered as duly elected a Counsellor: *Provided* he be an Inhabitant of the County for which he is chosen, be of thirty years of age and have an [p. 78.] estate of the value of five hundred pounds within this State, three hundred of which at least shall be freehold: But in case two or more persons shall have an equal number of votes, the Secretary and Treasurer or such other persons as the Legislature may appoint, shall draw one of them by lot, who shall be considered as duly chosen, and the Secretary shall seventeen days before the first Wednesday in June, give notice of the choice to the persons elected. *Provided* however, that if any person thus chosen a Counsellor shall also be chosen a member of either branch of the Legislature for the same year and shall accept the trust, his

Election as a Counsellor shall be void. And, in such case, as also when any person chosen to that office shall refuse to accept the same; and in case of the death of any Counsellor, the Governor shall issue a precept for the Election of a new Counsellor in that County, wherein such vacancy shall happen, which choice shall be in the manner before pre-
[P. 79.] scribed: And if any new County shall be hereafter erected, a Counsellor may and shall be chosen therein in the same manner.

"And the Governor shall have full power and authority to convene the members of the Council from time to time at his discretion and with them or the majority of them, at least, may and shall hold a Council for ordering and directing the affairs of the State.

"The resolutions and advice of the Council shall be recorded by the Secretary and signed by all the members present agreeing thereto, and this record may be called for at any time by either branch of the Legislature, and any member of the Council may enter his opinion contrary to the resolution of the majority, with the reasons of such opinion."

Which was read and considered, rec^{d} & accepted.

Resolved, That for the more effectually preserving the proper separation of the three great powers of Government agreeably to the 37th Article in the Bill of Rights, the power of hearing and deciding in causes of equity ought to be vested either in some Judicial Court or Courts, or in some
[P. 80.] Court or Courts to be established and impowered specially for that purpose, Provided that no power shall be granted to said Courts incompatible with the principles contained in the Bill of Rights and Constitution; but the jurisdiction & power of said Courts ought to be limited and defined by express Laws.

On which Resolve the yeas & nays were called and are as follows, (viz.)

72 Yeas—26 Nays. So it passed in the affirmative.

[P. 81.] Adjourned to 3 o'clock P. M. Met accordingly.

Resolved That there shall be one Supreme Judicial Court of Law who shall have original jurisdiction of all causes where the sum exceeds four pounds, and appellate jurisdiction in other cases to be provided by Law.

On which Resolve the yeas and nays were called, and are as follows:

61 Yeas—34 Nays. So it passed in the affirmative.

[P. 82.] Resolved, That the several Justices of the Peace in their respective Counties shall have jurisdiction in all causes where the sum is under four pounds, except causes where title of Land is drawn in question: On which Resolve the yeas and nays were called, and are as follows—viz.

63 yeas—35 nays. So it passed in the affirmative. Mr. Foster requested to be excused from giving his vote, offering for a reason that he was a Justice of the Peace, and [P. 83.] felt himself interested in the determination; but the Convention would not excuse him.

Resolved, That it shall be the duty of the Legislature to abolish the Inferior Courts of Common Pleas; on which Resolve the yeas and nays were called and are as follows:

55 Yeas—31 Nays. So it passed in the affirmative.

[P. 84.] Resolved, That it be the duty of the Legislature to abolish the Courts of General Sessions of the Peace: On which Resolve the yeas and nays were called, and are as follows, viz.

37 yeas—50 nays. So it passed in the negative.

Adjourned to 9 o'clock to-morrow morning.

[P. 85.] Friday, Sept^{r} 16th, 1791.

Met according to adjournment.

Sundry matters were debated.

Adjourned to 3 o'clock P. M. Met accordingly.

Voted, That Mr. Peabody, Mr. Plummer, Mr. Hoit, Mr. Smith (Meridith) Mr. Wallace, Mr. Atherton, Mr. Page (Charlestown) Mr. Kingsbury, Mr. Payne & Mr. Freeman, be a committee to take into consideration the Constitution and the Resolutions passed at this session, and the several motions for alterations that have not been acted upon, and prepare and report to the Convention at the adjournment, alterations and amendments to be submitted to the people.

Mr. Greeley's motion, Mr. Humphrey's 2 motions, Mr. Tinney's two motions, Mr. Kimball's Do. Mr. Rogers's Do. Mr. Plummer's five motions, Maj^{r} Stark's motion, Mr. Newcomb's 2 Do. Gen. Peabody's & Mr. Waldron's motions were referr^{d} to the above-named Committee.

Adjourned to the second Wednesday of February next at 10 o'clock, then to meet at Concord.

[*Note.* *At the adjourned meeting of the Convention, February 8th, 1792, the following members were present: viz.*]

The names of towns and places represented are not repeated in the journal.—E. D.	Names of Representatives.	No. of miles Travelled [not repeated].	Wednesday, Feb. 8th, 1792.	Thursday, 9th	Friday, 10th	Saturday 11th	Sunday, 12th	Monday, 13th	Tuesday, 14th	Wednesday, 15th.	Thursday, 16th	Friday, 17th	Saturday, 18th	Sunday, 19th	Monday, 20th	Tuesday, 21st	Wednesday, 22d	Thursday, 23d	Friday, 24th	Saturday, 25th	Wednesday, May 30th, 1792.	Thursday, 31st	Friday, June 1st	Saturday, 2d.	Sunday, 3d	Monday, 4th.
	John Pickering, Esq'.		1	2	3	4	5	6	7	8	9	10	11	12	13											
	Edward S. Livermore, Esq'.		y	y	no	no	no	no	y	y	y	y	no	no	no											
	Daniel Humphreys, Esq'.		y	y	y	y	y	y	y	y	y	y	y	y	y											
	Doct'. Samuel Tenney		y	y	no	no	no	no	no	no	no	no	no	no	no											
	James Macgregore, Esq'.		no		y	y	y	y	y	y	y	y	y	y	y											
	Joseph Blanchard, Esq'.		y	y	y	y	y	y	y	y	y	y	y	y	y											
	Ephraim Pickering, Esq'.		y	y	no	no	no	no	no	no	no	no	no	no	no											
	Mr. George Brackett		y	y	y	y	y	y	y	y	y	y	y	y	y											
	Mr. Nathan Goss		y	y	y	y	y	y	y	y	y	y	y	y	y											
	Moses Leavitt, Esq'.		y	y	y	y	y	y	y	y	no	no	no	no	no											
	Christopher Toppan, Esq'.		y	y	y	y	y	y	y	y	y	y	y	y	y											
	Nath'l H. Dodge		y	y	y	y	y	y	y	y	no	no	no	no	no											
	Col. Jonathan Robinson		no	y	y	y	y	y	y	y	y	y	y	y	y											
	Jeremiah Fogg, Esq'.		no	y	y	y	y	y	y	y	y	y	y	y	y											
	Mr. Eliphalet Webster		y	no	no	no	no	no	no	no	no	no	no	no	no											
	Solomon Wheeler, Esq'.		no	y	y	y	y	y	y	y	y	y	y	y	y											
	Thos. Stow Kanney, Esq'.		y	y	y	y	y	y	y	y	y	y	y	y	y											
	William Plumer, Esq'.		y	y	y	y	y	y	y	y	y	y	y	y	y											
22, 23]	Nathaniel Rogers, Esq'.			y	y	y	y	y	y	y	y	y	y	y	y											

| | | |

List of Members—continued.

The names of towns and places represented are not repeated in the journal = &c.	Names of Representatives.	No. of miles Travelled [not repeated].	Wednesday, Feb. 8th, 1792.	1	2	Thursday, 9th	3	Friday, 10th	4	5	Saturday, 11th	Sunday, 12th	Monday, 13th	6	Tuesday, 14th.	7	8	Wednesday, 15th.	Thursday, 16th	Friday, 17th	Saturday, 18th	Sunday, 19th	Monday, 20th	Tuesday, 21st	Wednesday, 22d	Thursday, 23d	Friday, 24th	Saturday, 25th.	Wednesday, May 30th, 1792.	Thursday, 31st	Friday, June 1st	Saturday, 2d.	Sunday, 3d	Monday, 4th.
	Mr. Charles Hodgdon		yi	yi		yi		yi			yi				yi																			
	Thomas Tash, Jun. Esq.		ni	yi		ni		yi			yi				yi																			
	David Copp, Esq.		ni	yi		ni		yi			yi				yi																			
	Cole David Page		yi	i		yi		yi			yi				yi																			
26, 27	Mr. Robert Parker		yi	i		yi		yi			yi				yi																			
	Mr. David Alld		ni	yi		ni		yi			yi				yi																			
	Capt. Wm. Barron		ni	yi		ni		yi			yi				yi																			
	Zechariah Chandler, Esq.		ni	yi		ni		yi			yi				yi																			
	Mr. William Page		ni	yi		ni		yi			yi				yi																			
	Daniel Emerson, Esq.		yi	yi		ni		yi			yi				yi																			
	Joshua Atherton, Esq.		yi	i		yi		yi			yi				yi																			
	Charles Barrett, Esq.		ni	yi		ni		yi			yi				yi																			
	Mr. Jonathan Fisk		ni	yi		ni		yi			yi				yi																			
	William Abbott, Esq.		yi	ni		ni		yi			ni				yi																			
	Peter Clark, Esq.		ni	ni		ni		yi			ni				yi																			
	Mr. John Cragin		ni	ni		ni		yi			ni				yi																			
	Jeremiah Smith, Esq.																																	
	Mr. Daniel Nicols		ni	yi		yi		yi			ni				yi																			
	Robert Wallace, Esq.		yi	ni		yi		yi			ni				yi																			

| | | |

List of Members—continued.

The names of towns and places represented are not repeated in the journal. Ed.	Names of Representatives.	No. of miles Travelled [not repeated].	Wednesday, Feb. 8th, 1792.	Thursday, 9th	Friday, 10th	Saturday, 11th	Sunday, 12th	Monday, 13th	Tuesday, 14th	Wednesday, 15th	Thursday, 16th	Friday, 17th	Saturday, 18th	Sunday, 19th	Monday, 20th	Tuesday, 21st	Wednesday, 22nd	Thursday, 23rd	Friday, 24th	Saturday, 25th	Wednesday, May 30th, 1792.	Thursday, 31st	Friday, June 1st	Saturday, 2nd	Sunday, 3rd	Monday, 4th
	Samuel Duncan, Esqr.																									
	Sam[l]. Livermore, Esqr.																									
	Doct[r] John Rogers																									
	Thomas Crawford, Esqr.																									
	Jesse Johnson, Esqr.																									
	Jonathan Freeman, Esqr.																									
	Elisha Payne, Esqr.																									
32, 33	Capt. Jon[a] Franklin																									
	Col[o]. Joseph Hutchins																									
	William Tarlton, Esqr.																									
	Capt. Nath[l] White																									
	Capt. Peter Carlton																									
	Mr. Wm. Cargill																									

[NOTE. The following minute of yeas and nays is found on the margin of this record.—ED.]

1	49 yeas	50 nays
2	44 yeas	45 nays
3	48 yeas	54 nays
4	56 yeas	39 nays
5	64 yeas	34 nays
6	56 yeas	45 nays
7	47 yeas	52 nays
8	50 yeas	46 nays
9	46 yeas	49 nays
10	19 yeas	79 nays
11	57 yeas	35 nays
[12]	34 yeas	62 nays

[P. 87.] Wednesday, Feb^{y} 8th, 1792.

Several members of Convention met agreeably to adjournment; but there not being a quorum, and the President being absent (the Honb^{l} Judge Walker in the chair) they agreed to adjourn to 3 o'clock, P. M.

Met according to adjournment, and there being a quorum, and the Honb^{l} the President being absent out of the State, motion was made for the choice of a President Pro Tempore, and the ballots being taken the Honb^{l} John Pickering Esq^{r}. was unanimously chosen.

Adjourned to 9 o'clock to-morrow morning.

Thursday Feb^{y} 9th, 1792, the Convention met according to adjournment.

The Committee chosen in September last to take into consideration the Constitution and the Resolutions passed at that session and the several motions for alterations [see marg. p. 85] Reported their opinion as to alterations and their Reasons therefor; also the Constitution with the proposed alterations incorporated which Reports being read, Motion was made to postpone the consideration of said Reports until the afternoon—which motion prevailed.

[P. 88.] Adjourned to 3 o'clock, P. M. Met accordingly.

[NOTE. The editor, with advice, has judged it expedient here to insert full, first, *The alterations and amendments proposed by the abovesaid committee*; and second, *The constitution* with said alterations and amendments *incorporated*. The journal, which subsequently follows, will show definitely the action which the convention took upon both the said reports.—ED.]

I. REPORT OF THE COMMITTEE ON ALTERATIONS AND AMENDMENTS.

[See MS. Journal, pp. 243–274.]

BILL OF RIGHTS.

Article XIX.

Every citizen hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions: Therefore all Warrants to search suspected places or arrest a person for examination or trial in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in a warrant to a civil officer to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or

seizure: And no Warrant ought to be issued, but in cases and with the formalities prescribed by Law.

Article XX.

In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has been heretofore otherwise used & practised, the parties have a right to trial by Jury: And this method of procedure shall be held sacred, unless in causes arising on the high seas, and such as relate to mariners wages, and also in actions where the sum demanded in damages shall not exceed twenty shillings, the Legislature shall think it necessary hereafter to alter it.

Article XXXIX.

Beasts of the Plough, not exceeding a yoke of oxen or a horse, Instruments of husbandry, and the necessary Tools of a man's Trade, shall not be liable to be distrained, attached, or taken in execution for debt; unless by the person who furnished them.

PART SECOND.

THE GENERAL COURT.

Paragraph 2.

The Senate and House shall assemble every year on the third Wednesday of *September* and at such other times as they may judge necessary and shall dissolve and be dissolved seven days next preceding the said third Wednesday of September; and shall be *stiled*, THE GENERAL COURT OF NEW HAMPSHIRE.

Every Bill which shall have passed both Houses, shall, before it become a Law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it: if, after such reconsideration, four sevenths of that House shall agree to pass the Bill, it shall be sent, together with such objections, to the other House, by which it shall likewise be reconsidered; and if approved by a majority of that House, it shall become a Law: But in all such cases, the Votes of both Houses shall be determined by yeas & nays, and the names of the persons voting for or ag^{t} the Bill shall be entered on the Journal of each house. If any Bill shall not be returned by the Gov^{r}. within five days (Sundays excepted) after it shall have been presented to him, the same shall be a Law in like manner as if he had signed it: unless the Legislature by their adjournment, prevent its return; in which case it shall not be a law.

Every Resolve shall be presented to the Gov^{r}. and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by the Senate and House of Representatives, according to the Rules and Limitations prescribed in the case of a Bill.

No member of the General Court shall take fees, be of Counsel, or act as advocate in any cause before either branch of the Legislature;

and upon due proof thereof, such member shall forfeit his seat in the Legislature.

All persons who behave decently, shall have liberty of admission to hear the Debates and proceedings of both Houses of the Legislature; except when the welfare of the State shall require secresy.

SENATE.

The Senate shall consist of twelve Members, who shall hold their office for *two years* next ensuing their election.

And that the State may be equally represented in the Senate, the Legislature shall from time to time divide the State into twelve Districts, as nearly equal as may be, without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of public taxes paid by the said District; and timely make known to the Inhabitants of the State, the limits of each District.

The freeholders and other Inhabitants of each District qualified as in this Constitution is provided, shall *biennially* give in their votes for a senator at some meeting holden in the month of March.

The Senate shall be the first Branch of the Legislature; and the Senators shall be chosen in the following manner:—Every male inhabitant of each Town & parish with town privileges in this State, of twenty-one years of age and upwards, paying for himself, or liable to pay, a poll tax or the amount thereof, shall have a right at the annual or other meetings of the inhabitants of s[d] towns and parishes, to be duly warned and holden every second year in the month of March, to vote for a senator in the District whereof he is a member;—and every person qualified as the Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in that town, parish or plantation where he dwelleth & hath his home.

The Legislature when they divide the State into Districts, and as often as they shall think necessary, shall appoint some suitable persons as counters in each District, who shall meet on the Thursday next following the Second Wednesday of April every year in which there are meetings held in the District for the election of a Senator, and the General Court shall appoint the place of their meeting, and it shall be the duty of said counters, until others are appointed in their room, to receive, examine and count the votes for Senators, and make a proper record thereof, certify the choice, and seasonably deposit the returns from the several Towns, parishes & places, and the record of their proceedings in the Secretary's office.

The meetings for the choice of Senators, and all governmental officers shall be warned by Warrant from the selectmen, and governed by a Moderator, who shall preside at such meetings impartially, and receive the votes of all the inhabitants of such towns & parishes present and qualified to vote for Senators, and shall sort and count the same in the meeting, and in presence of the Town Clerk, who shall make a fair

record in open meeting of the name of every person voted for, and the number of votes against his name: and a fair copy of this record shall be attested by the Town Clerk, and shall be sealed up and directed to the counters of the District with a Superscription expressing the purport thereof, and delivered by the s[d] clerk to the counters of the District in which such town or parish is, on or before the Second Wednesday of April next following such Town Meeting;

Provided nevertheless, that no person shall be capable of being elected a Senator, who is not seized of a freehold estate in his own right of the value of *two hundred pounds* lying within this State, who is not of the age of thirty years, and who shall not have been an inhabitant of this State for seven years immediately preceding his election, and at the time thereof, he shall be an inhabitant of the District for which he is chosen.

And the inhabitants of plantations & places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of Government, or shall be taxed therefor, shall have the same privilege of voting for senators in the plantations & places where they reside, as the inhabitants of the several respective towns and parishes afores[d] have: and the meetings of such plantations & places for that purpose, shall be holden every second year in the month of March, at such places respectively therein, as the assessors thereof shall direct, &c.

In case it [there] shall not appear by the Returns of the counters to be a senator elected by a majority of votes for any District, the counters of that District shall take the names of the two persons who shall have the highest number of votes, and the number of votes that each of them shall have, & certify and deliver the same to the Selectmen of each town & parish in such District, and to the Assessors of unincorporated places, within eight days after the counting thereof; and it shall be the duty of the s[d] Selectmen & Assessors respectively, to warn a meeting of the inhabitants qualified to vote for senators, to be held within fifteen days after the expiration of s[d] eight days, giving at least twelve days notice, to elect one person out of the two returned as afores[d] to be senator for the District, and the several town clerks & assessors in s[d] Districts, shall within eight days after the expiration of said fifteen days, return a fair attested copy of the Record of the number of Votes in the Towns, parishes and places in the Districts, to the counters of said Districts, and the counters shall on the ninth or tenth day after the expiration of s[d] fifteen days, meet and as soon as may be, sort & count the votes, declare the choice, and notify the person elected: And in case it shall so happen that two or more persons having the highest number of votes, shall have an equal number, the counters shall by lot determine which of them shall be sent to the people: And if it should so happen that from the returns from the meetings held to compleat the elections, that the two persons voted for should have an equal number of votes, the counters shall by lot determine which of them shall be senator for such District, and notify him accordingly.

All vacancies that may happen in the Senate, shall, from time to time be filled up in the same way & manner as the first elections are directed to be made;—the Gov[r]. appointing the time for holding the meetings for that purpose.

The Senate shall have power to adjourn, &c. *Provided nevertheless*, that whenever they shall sit on the trial of any Impeachment, they may adjourn to such time and place as they may think proper, altho' the Legislature be not assembled on such day or at such place.

Every officer whilst under Impeachment shall be suspended from the exercise of the duties of his office; but the trial shall be as speedy as the nature of the case will admit.

HOUSE OF REPRESENTATIVES.

After the first Paragraph.—

Provided nevertheless. That whenever the number of Members of the House of Representatives shall exceed one hundred and ten, it shall be the duty of the Legislature to make such arrangements as that the members shall not exceed at any time that number, nor shall the Towns and Districts intituled to send Representatives at any time, be less than eighty.

The members of both Houses of the Legislature shall be compensated for their services out of the Treasury of the State, by a Law made for that purpose—such members attending seasonably, and not departing without license.

And any member of the Senate, House of Representatives, or Council, shall have a right, on motion made for that purpose at the time, to have his protest or dissent, with the reasons against any vote, resolve or bill passed, entered on the Journals.

EXECUTIVE POWER.

GOVERNOR.

The word "President" shall be struck out, and Governor inserted in all the sections where President is named.

Fourth Section shall be struck out.

All Judicial officers, the Attorney Gen^{l}., Solicitors. all sheriffs, coroners, registers of probate, and all officers of the Navy, and general and field officers of the militia, shall be nominated and appointed by the Gov^{r}. & Council; and every such nomination shall be made at least three days prior to such appointment;—and no appointment shall take place unless a majority of the Council agree thereto.

The Gov^{r}. & Council shall have a negative on each other, both in the nominations & appointments.

The yeas and nays both of the Gov^{r} & Council present, on all nominations & appointments, shall be entered on the Journals of the Council.

The Captains and subalterns in the respective Regiments, shall be nominated by the Field officers, and if approved by the Gov^{r}., shall be appointed by him.

LIEUTENANT GOVERNOR.

There shall be annually elected in the month of March, a Lieu^{t}. Gov^{r}. whose title shall be His Honor;—and who shall be qualified in point of property, residence, and elected, in the same manner as the Governor is.

The qualifications of the electors shall be the same as those required by this Constitution for the electors of Senators.

The Lieu^{t} Governor, when the Governor is in the Chair, shall be President of the Senate and have a casting vote in case of a tie.

Whenever the Chair of the Governor shall be vacant by reason of his death, absence from the state, or otherwise, the Lieu^{t} Gov^{r}. shall, during such vacancy, have and exercise all the powers and authorities which by this Constitution the Gov^{r}. is vested with, when personally present.

COUNCIL.

There shall be annually elected by ballot five Councillors for advising the Gov^{r}. in the Executive part of Government.

The freeholders and other inhabitants in each County, qualified to vote for senators, shall some time in the month of March, give in their votes for one Councillor; and the number of votes for Councillors shall be returned to the Secretary of the State in like manner as the votes for Governor, and the Secretary and Treasurer of the State shall, untill the Legislature shall appoint other persons for that purpose, sort and count the votes, make a record thereof, and certify the choice; which record, and the returns from the several Towns, parishes and places, shall be deposited in the Secretary's office;—and the person having a majority of votes in any County, shall be considered as duly elected a Councillor; but if no person shall have a majority of votes in any County, the Senate & House of Representatives shall take the names of the two persons who have the highest number of votes in each County, and not elected, and out of them two, shall elect by joint ballots, the Councillor wanting for such County: *Provided nevertheless*, That no person shall be capable of being elected a Councillor, who has not an estate of the value of five hundred pounds within this State, three hundred pounds of which or more shall be a freehold in his own right; and who is not thirty years of age, and who shall not have been an inhabitant of this State for seven years immediately preceding his election; and at the time of his election an inhabitant of the County in which he is elected.

The Secretary shall annually, seventeen days before the third Wednesday of September, give notice of the choice to the person elected.

If any Councillor shall be elected Governor or Lieu^{t} Gov^{r}. or member of either branch of the Legislature, and shall accept the trust; or if any person elected as a Councillor shall refuse to accept the office, or in case of the death, resignation, or removal of any Councillor out of the State; the Gov^{r}. may issue a precept for the election of a new

Councillor in that County where such vacancies shall happen;—and the choice shall be in the same manner before described.

If any new County shall hereafter be made in this State, a Councillor shall be chosen therein in the same manner as before directed.

COUNTY TREASURERS.

Provided nevertheless, the Legislature shall have authority to alter the mode of electing these officers, but not so as to deprive the people of the right [they] now have of electing them; and also to divide the several Counties into as many Districts for registering of Deeds, as to them shall appear necessary;—and the inhabitants of each District to elect a Register.

JUDICIAL POWER.

The Judicial Power of the State shall be vested in a Supreme Court of Judicature, except as is hereafter provided:—This Court shall consist of one Chief Justice & not more than nine nor less than six associates Justices. The Supreme Judicial Court shall be, and they hereby are fully authorized & impowered to grant new trials and restorations to law in all cases where it shall to them appear reasonable.

The power of hearing & determining causes in Equity, shall, by the Legislature, be vested in the Supreme Judicial Court;—which power shall be limited & defined by law; and no suit in Equity shall be sustained, where adequate justice may be had in the Courts of Law.

There shall be a Court erected in each County, to be called the *County Court*, to consist of one Chief Justice and not more than six, nor less than four Associate Justices, who shall have all the jurisdiction, civil & criminal, and all the powers and authorities that now appertain to the Courts of General Sessions of the peace; and such other matters as the Legislature may constitutionally assign them—the trying of civil suits excepted: and except the raising County taxes;—which taxes shall be granted by the Representatives of each County in such manner as the Legislature shall direct: *Provided nevertheless*, That the Legislature shall have authority to make such other regulations by Law, as shall be necessary for the appropriation of county taxes.

Appeals shall be granted from s^d^ County Court to the Supreme Judicial Court, as they are now allowed from the Court of General Sessions of the peace to the Superior Court; or in such cases & manner as the Legislature may by Law establish.

Justices of the peace shall have the power of hearing and determining all actions wherein the damage demanded does not exceed four pounds, except those wherein the title to things real may be drawn in question;—an appeal being allowed in civil actions to the Supreme Judicial Court, and in criminal matters, to the County Courts, in such cases and manner as the Legislature shall by Law establish.

No person shall hold the office of Judge of any Court, or sheriff of any County, after he has arrived at the age of 65 years.

No Judge of any Court or Justice of the peace shall act as attorney or be of counsel to any party, or originate any civil suit in matters that shall come before him as judge or justice of the peace.

No Judge or Register of Probate of Wills &c. shall be of counsel, act as advocate, or receive any fees as advocate or counsellor in any Probate business that is pending or that may be brought into any Court of Probate in the County of which he is judge or register.

OATH.

I, A. B., do solemnly swear that I will bear faith and true allegiance to the State of New Hampshire, and will support the Constitution thereof:— *So help me God.*

Any person having taken & subscribed the oath of allegiance, and the same being filed in the Secretary's office, he shall not be obliged to take said oath again.

No new Town or parish shall be formed in whole or in part, out of any town or parish, without the consent of a major part of the qualified voters of such town or parish out of which they are so formed, voting upon the question at a legal meeting for that purpose.

The Legislature, whenever two thirds of both Houses shall deem it necessary, shall propose amendments, or on the application of a majority of the incorporated towns and parishes within this State, shall call a Convention for preparing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when approved of by a majority of qualified voters present and voting in town meetings on the question.

The Secretary of the State shall at all times have a Deputy, to be by him appointed, for whose conduct in office he shall be responsible:— and in case of the death, removal, or inability of the Secretary, his deputy shall have & exercise all the duties of the office of Secretary untill another shall be appointed.

The Secretary before he enters upon the business of his office, shall give bond, with sufficient sureties in a reasonable sum, for the use of the State, for the punctual performance of his trust, as the Legislature shall direct.

To the end that there may be no failure of justice or danger to this State by the alterations & amendments made in the Constitution, the General Court is hereby fully authorized and directed to fix the time when the amendments and alterations shall take effect, and make the necessary arrangements accordingly.

All Judges of Courts and other civil officers whose appointment is vested in the Gov^{r} & Council, (Justices of the peace & Coroners

excepted) shall be appointed and commissioned within one year after adopting the amendments to the Constitution; and the Commissions of all such officers, who have been heretofore appointed by the President and Council, shall thereupon determine and become void.

N. B. Some small alterations not herein mentioned, are in the Incorporation.

II. [*The Constitution as reported by the committee, February 9, 1792, with the foregoing alterations and amendments incorporated.*—ED.]

THE CONSTITUTION OF NEW HAMPSHIRE.

PART I.

THE BILL OF RIGHTS.

ARTICLE 1st.

All men are born equally free and independent: Therefore, all government, of right, originates from the people, is founded in consent, and instituted for the general good.

2.

All men have certain natural, essential, and inherent rights—among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness.

3.

When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and, without such an equivalent, the surrender is void.

4.

Among the natural rights, some are, in their very nature, unalienable, because no equivalent can be given or received for them. Of this kind are the RIGHTS OF CONSCIENCE.

5.

Every individual has a natural and unalienable right to worship GOD according to the dictates of his own conscience and reason; and no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace, or disturb others in their religious worship.

6.

As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay, in

the hearts of men, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society, by the institution of the public worship of the DEITY, and of public instruction in morality and religion; therefore, to promote those important purposes, the people of this State have a right to empower, and do hereby fully empower, the Legislature, to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies, within this State, to make adequate provision, at their own expense, for the support and maintenance of public protestant teachers of piety, religion, and morality:

Provided notwithstanding, That the several towns, parishes, bodies corporate, or religious societies, shall, at all times, have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person, of any one particular religious sect or denomination, shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect, or denomination.

And every denomination of Christians, demeaning themselves quietly, and as good subjects of the State, shall be equally under the protection of the law: And no subordination of any one sect or denomination to another, shall ever be established by law.

And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain, and be in the same state as if this Constitution had not been made.

7.

The people of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

8.

All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

9.

No office or place whatsoever, in government, shall be hereditary—the abilities and integrity requisite in all, not being transmissible to posterity or relations.

10.

Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

11.

All elections ought to be free, and every inhabitant of the State,

having the proper qualifications, has equal right to elect, and be elected, into office.

12.

Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary, or an equivalent. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this State controlable by any other laws than those to which they, or their representative body, have given their consent.

13.

No person, who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent.

14.

Every subject of this State is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without any delay; conformably to the laws.

15.

No subject shall be held to answer for any crime, or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself; to meet the witnesses against him, face to face; and to be fully heard in his defence, by himself, and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

16.

No subject shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the Legislature make any law that shall subject any person to a capital punishment, (excepting for the government of the army and navy, and the militia in actual service), without trial by Jury.

17.

In criminal prosecutions, the trial of facts, in the vicinity where they happen, is so essential to the security of the life, liberty, and estate of the citizen, that no crime or offence ought to be tried in any other county than that in which it is committed; except in cases of general insurrection in any particular county, when it shall appear to the Judges of the Superior Court, that an impartial trial cannot be had in the county where the offence may be committed, and upon their report, the Legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

18.

All penalties ought to be proportioned to the nature of the offence.

No wise Legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason: Where the same undistinguishing severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do those of the lightest die. For the same reason a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishments being to reform, not to exterminate, mankind.

19.

Every citizen hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrants ought to be issued, but in cases, and with the formalities, prescribed by law.

20.

In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has been heretofore otherwise used and practised, the parties have a right to a trial by Jury: and this method of procedure shall be held sacred, unless in causes arising on the high seas and such as relate to mariners' wages, and also in actions where the sum demanded in damages shall not exceed twenty shillings; the Legislature shall think it necessary hereafter to alter it.

21.

In order to reap the fullest advantage of the inestimable privilege of the trial by Jury, great care ought to be taken, that none but qualified persons should be appointed to serve: and such ought to be fully compensated for their travel, time, and attendance.

22.

The LIBERTY OF THE PRESS is essential to the security of Freedom in a State: It ought, therefore, to be inviolably preserved.

23.

Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes, or the punishment of offences.

24.

A well regulated militia is the proper, natural, and sure defence of a State.

25.

Standing armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.

26.

In all cases, and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

27.

No soldier, in time of peace, shall be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the Legislature.

28.

No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their Representatives in the Legislature, or authority derived from that body.

29.

The power of suspending the laws, or the execution of them, ought never to be exercised but by the Legislature, or by authority derived therefrom, to be exercised in such particular cases only as the Legislature shall expressly provide for.

30.

The freedom of deliberation, speech, and debate, in either House of the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution, in any other Court or place whatsoever.

31.

The Legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new ones as the common good may require.

32.

The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their Representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

33.

No Magistrate, or Court of Law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

34.

No person can, in any case, be subjected to law-martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the Legislature.

35.

It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the Judges of the Supreme (or Superior) Judicial Court should hold their offices so long as they behave well; and that they should have honorable salaries, ascertained and established by standing laws.

36.

Œconomy being a most essential virtue in all States, especially in a young one; no pension shall be granted, but in consideration of actual

services: and such pensions ought to be granted with great caution, by the Legislature, and never for more than one year at a time.

37.

In the government of this State, the three essential powers thereof, to wit, the Legislative, Executive, and Judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the Constitution in one indissoluble bond of union and amity.

38.

A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and Representatives: And they have a right to require of their law-givers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government.

39.

Beasts of the plough, not exceeding a yoke of oxen, or a horse, instruments of husbandry, & the necessary tools of a man's trade, shall not be liable to be distrained, attached, or taken on execution for debt, unless by the person who furnished them.

PART II.

THE FORM OF GOVERNMENT.

The people inhabiting the territory of the State of New Hampshire, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent Body Politic, or State, by the name of the STATE OF NEW HAMPSHIRE.

THE GENERAL COURT.

The Supreme Legislative Power, within this State, shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other.

The Senate and House of Representatives shall assemble every year on the third Wednesday of September, and at such other times as they may judge necessary; and shall dissolve, and be dissolved, seven days next preceding the said third Wednesday of September; and shall be stiled THE GENERAL COURT OF NEW HAMPSHIRE.

The General Court shall forever have full power and authority to erect and constitute Judicatories and Courts of Record, or other Courts, not repugnant or contrary to this Constitution, to be holden in the name of the State, for the hearing, trying, and determining all manner of

crimes, offences, pleas, processes, plaints, actions, causes, matters and things whatsoever, arising or happening within this State, or between or concerning persons inhabiting or residing, or brought within, the same, whether the same be criminal or civil, or whether the crimes be capital, or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and issuing execution thereon. To which Courts and Judicatories, are hereby given and granted, full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

And further, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this Constitution, as they may judge for the benefit and welfare of this State, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within this State; such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this State, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and also to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said State; and upon all estates within the same; to be issued and disposed of by warrant, under the hand of the Governor of this State for the time being, with the advice and consent of the Council, for the public service, in the necessary defence and support of the government of this State, and the protection and preservation of the citizens thereof, according to such acts as are, or shall be, in force within the same.

Every bill which shall have passed both Houses, shall, before it become a law, be presented to the Governor: if he approve he shall sign it, but if not, he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large in their Journal, and proceed to reconsider it. If after such reconsideration, four sevenths of that House shall agree to pass the bill, it shall be sent together with such objections to the other house, by which it shall likewise be reconsidered, and if approved by a majority of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas & nays; & the names of the persons voting for or against the bill, shall be entered on the Journal of each House respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature by their adjournment prevent its return, in which case it shall not be a law.

Every Resolve shall be presented to the Governor, & before the same shall take effect, shall be approved by him, or being disapproved by

him, shall be repassed by the Senate & House of Representatives, according to the rules & limitations prescribed in the case of a bill.

No member of the General Court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature.

All persons who behave decently shall have liberty of admission, to hear the debates & proceedings of both Houses of the Legislature, except when the welfare of the State shall require secrecy.

While the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has heretofore been practised; and in order that such assessments may be made with equality, there shall be a valuation of the estates within the State taken anew once in every five years at least, and as much oftener as the General Court shall order.

SENATE.

THE Senate shall consist of twelve members, who shall hold their office for two years from the third Wednesday of September next ensuing their election.

And that the State may be equally represented in the Senate, the Legislature shall, from time to time, divide the State into twelve districts, as nearly equal as may be without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of public taxes paid by the said districts, and timely make known to the inhabitants of the State the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this Constitution is provided, shall biennially give in their votes for a Senator, at some meeting holden in the Month of March.

The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner, viz. Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this State, of twenty-one years of age and upwards, paying for himself, or liable to pay a poll tax, or the amount thereof, shall have a right, at the annual or other meetings of the inhabitants of said towns, parishes and places, to be duly warned and holden every second year forever in the month of March, to vote for a Senator in the district whereof he is a member.

And every person qualified as the Constitution provides, shall be considered an inhabitant for the purpose of electing & being elected into any office or place within this State, in that town, parish & plantation where he dwelleth & hath his home.

The Legislature when they divide the State into districts, & as often as they shall think necessary, shall appoint some suitable persons as counters, in each district, who shall meet on the Thursday next following the second Wednesday of April every year in which there is meetings held in the district for the election of a Senator; and the General Court shall appoint the place of their meeting, and it shall be the duty of said counters untill others are appointed in their room, to receive, examine and count the votes for Senators & make a proper record thereof, certify the choice, and seasonably deposit the returns from the sev-

eral towns, parishes & places, & the record of their proceedings in the Secretary's office.

The meetings for the choice of Senators, & all governmental officers, shall be warned by warrant from the selectmen, & governed by a Moderator, who shall preside at such meetings impartially, & receive the votes of all the inhabitants of such towns, & parishes present & qualified to vote for Senators, & shall sort & count the same in the meeting & in presence of the town clerk, who shall make a fair record in open meeting, of the name of every person voted for, & the number of votes against his name, & a fair copy of this record shall be attested by the Town Clerk, & shall be sealed up & directed to the counters of the District with a superscription expressing the purport thereof, & delivered by said Clerk to the counters of the District in which such town or parish is, on or before the second Wednesday of April next following such town meeting.

Provided nevertheless, That no person shall be capable of being elected a Senator, who is not seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this State, who is not of the age of thirty years, and who shall not have been an inhabitant of this State for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And the inhabitants of plantations and places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for Senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose, shall be holden every second year in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the Selectmen and Town Clerks have in their several towns by this Constitution.

In case there shall not appear by the returns to the counters to be a Senator elected by a majority of votes for any district, the counters of that district shall take the names of the two persons who shall have the highest number of votes, & the number of votes that each of them shall have, & certify & deliver the same to the Selectmen of each town and parish, & the assessors of unincorporated places in such District, within eight days after the counting thereof; and it shall be the duty of said Selectmen and assessors respectively to warn a meeting of the inhabitants qualified to vote for Senators, to be held within fifteen days after the expiration of said eight days, giving at least twelve days notice, to elect one person out of the two returned as aforesaid to be Senator for the District. And the several town clerks & assessors in said District shall, within eight days after the expiration of said fifteen days, return a fair attested copy of the record of the number of votes in the towns, parishes & places in the District, to the counters of said District; and the counters shall, on the ninth or tenth day after the expiration of said fifteen days, meet & as soon as may be, sort & count the votes, declare the choice & notify the person elected.

And in case it shall so happen, that two or more persons, having the highest number of votes, shall have an equal number, the counters shall,

by lot determine which of them shall be sent to the people. And if it should so happen, that from the returns from the meetings held to compleat the elections, that the two persons voted for should have an equal number of votes, the counters shall by lot determine which of them shall be Senator for such District & notify him accordingly.

All intermediate vacancies that may happen in the Senate, shall, from time to time be filled up in the same manner as the first elections are directed to be made; the Governor appointing the time for holding the meetings for that purpose.

The Senate shall be final judges of the elections, returns, and qualifications, of their own members, as pointed out in this Constitution.

The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the Legislature be not assembled on such day, or at such place.

The Senate shall appoint their own officers, and determine their own rules of proceedings: And not less than seven members of the Senate shall make a quorum for doing business; and when less than eight Senators shall be present, the assent of five, at least, shall be necessary, to render their acts and proceedings valid.

The Senate shall be a Court, with full power and authority to hear and determine all impeachments made by the House of Representatives against any officer or officers of the State, for mis-conduct or mal administration, in their offices. But previous to the trial of any such impeachment, the members of the Senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit, under this State; but the party, so convicted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Every officer whilst under an impeachment, shall be suspended from the exercise of the duties of his office; but the trial shall be as speedy as the nature of the case will admit.

HOUSE OF REPRESENTATIVES.

THERE shall be, in the Legislature of this State, a representation of the people, annually elected, and founded upon principles of equality: And, in order that such representation may be as equal as circumstances will admit, every town, parish, or place entitled to town privileges, having one hundred and fifty rateable male polls, of twenty-one years of age, and upwards, may elect one Representative; if four hundred and fifty rateable polls, may elect two Representatives; and so proceeding, in that proportion, making three hundred such rateable polls the mean increasing number, for every such additional Representative.

Provided, nevertheless, That whenever the number of members of the House of Representatives shall exceed one hundred and ten, it shall be the duty of the Legislature to make such arrangements as that the members shall not at any time exceed that number; nor shall the

towns & districts intitled to send Representatives at any time be less than eighty.

Such towns, parishes, or places, as have less than one hundred and fifty rateable polls, shall be classed by the General Court, for the purpose of chusing a Representative, and seasonably notified thereof. And in every class, formed for the above-mentioned purpose, the first annual meeting shall be held in the town, parish, or place, wherein most of the rateable polls reside; and afterwards in that which has the next highest number; and so on annually, by rotation, through the several towns, parishes, or places, forming the district.

Whenever any town, parish, or place, intitled to town privileges, as aforesaid, shall not have one hundred and fifty rateable polls, and be so situated as to render the classing thereof with any other town, parish, or place, very inconvenient, the Legislature may, upon application of a majority of the voters in such town, parish, or place, issue a writ for their electing and sending a Representative to the General Court.

The members of the House of Representatives shall be chosen annually, in the month of March, and shall be the second branch in the Legislature.

All persons, qualified to vote in the election of Senators, shall be entitled to vote, within the town, district, parish, or place where they dwell, in the choice of Representatives. Every member of the House of Representatives shall be chosen by ballot; and for two years, at least, next preceding his election, shall have been an inhabitant of this State; shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one half of which to be a freehold, whereof he is seized in his own right; shall be, at the time of his election, an inhabitant of the district he may be chosen to represent; and shall cease to represent such district immediately on his ceasing to be qualified as aforesaid.

The members of both Houses of the Legislature shall be compensated for their services out of the treasury of the State, by a law made for that purpose; such members attending seasonably, and not departing without licence. All vacancies, in the House of Representatives, may be filled up, at any time in the year as occasion may require.

The House of Representatives shall be the Grand Inquest of the State; and all impeachments made by them, shall be heard and tried by the Senate.

All money bills shall originate in the House of Representatives; but the Senate may propose, or concur with, amendments, as on other bills.

The House of Representatives shall have power to adjourn themselves, but no longer than two days at a time.

A majority of the members of the House of Representatives shall be a quorum for doing business: But when less than two thirds of the Representatives elected shall be present, the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

No member of the House of Representatives, or Senate, shall be arrested, or held to bail, on mean process, during his going to, returning from, or attendance upon, the Court.

The House of Representatives shall be judges of the returns, elections & qualifications of its members, as pointed out in this constitution; choose their own Speaker, appoint their own officers & settle the rules

of proceedings in their own house. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the House, in its presence, by any disorderly and contemptuous behavior, or by threatening, or ill treating, any of its members; or by obstructing its deliberations, every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the House, in assaulting any witness, or other person, ordered to attend, by and during his attendance of the House; or in rescuing any person arrested by order of the House, knowing them to be such. The Governor, Senate, and Council, shall have the same powers in like cases: provided, that no imprisonment by either, for any offence, exceed ten days.

The journals of the proceedings of both Houses of the General Court, shall be printed and published immediately after every adjournment or prorogation: and shall contain all Acts & Resolves, & also votes for raising, granting & appropriating public monies: and upon motion made by any one member, the yeas and nays, upon any question, shall be taken & entered upon the journals: And any member of the Senate, or House of Representatives, or Council, shall have a right, on motion made at the time for that purpose, to have his protest, or dissent, with the reasons, against any vote, resolve, or bill, passed, entered on the journals.

EXECUTIVE POWER.

GOVERNOR.

There shall be a Supreme Executive Magistrate, who shall be stiled The GOVERNOR of the State of New Hampshire; and whose title shall be His Excellency.

The Governor shall be chosen annually, and no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this State for seven years next preceding; & unless he shall be of the age of thirty years; & unless he shall at the same time have an estate of the value of five hundred pounds, one half of which shall consist of a freehold, in his own right, within the State.

Those persons qualified to vote for Senators and Representatives, shall, within the several towns, parishes or places where they dwell, at a meeting to be called for that purpose, some day in the month of March annually, give in their votes for a Governor, to the Moderator who shall preside at such meeting; & the Clerk in the presence & with the assistance of the moderator shall, in open meeting, sort & count the votes, and form a list of the persons voted for, with the number of votes for each person against his name, & shall make a fair record of the same in the town books, & a public declaration thereof in the said meeting; and shall, in the presence of said inhabitants seal up a copy of said list attested by him, & transmit the same to the Sheriff of the County, thirty days at least before the third Wednesday of September, or shall cause returns of the same to be made to the office of the Secretary of the State, seventeen days at least before said day, who shall lay the same before the Senate & House of Representatives on the third Wednesday of September, to be by them examined: And in case

of an election by a majority of votes through the State, the choice shall be by them declared & published; but if no person shall have a majority of votes, the House of Representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but if otherwise, out of the number voted for, & make return to the Senate of the two persons so elected;—on which the Senate shall proceed by ballot to elect one of them who shall be declared Governor.

The Governor with advice of Council, shall have full power & authority in the recess of the General Court, to prorogue the same from time to time, not exceeding ninety days in any one recess of said Court; and during the session of said Court to adjourn or prorogue it to any time the two houses may desire, & to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the State may require the same.

In cases of disagreement between the two Houses, with regard to the time of adjournment or prorogation, the Governor, with advice of Council, shall have a right to adjourn or prorogue the General Court, not exceeding ninety days at any one time, as he may determine the public good may require, and he shall dissolve the same seven days before the said third Wednesday of September.

And, in case of any infectious distemper prevailing in the place where the said Court at any time is to convene, or any other cause, whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other the most convenient place within the State.

The Governor of this State for the time being shall be commander in chief of the army and navy, and all the military forces of the State, by sea and land: and shall have full power by himself, or by any chief commander, or other officer, or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and for the special defence and safety of this State, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, expulse, repel, resist and pursue by force of arms, as well by sea as by land, within and without the limits of this State; and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprize and means, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment or annoyance of this State; and to use and exercise over the army and navy, and over the militia in actual service, the law-martial in time of war, invasion, and also in rebellion, declared by the Legislature to exist, as occasion shall necessarily require: And surprize, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying this State: And in fine, the Governor hereby is entrusted with all other powers incident to the office of Captain-General and Commander in Chief, and Admiral, to be exercised agreeably to the rules and regulations of the Constitution, and the laws of the land: Provided, that the Governor shall not, at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted to him by the Legislature, transport any of the inhabitants of this State, or oblige them to march out of the limits of the same,

without their free and voluntary consent, or the consent of the General Court, nor grant commissions for exercising the law-martial in any case, without the advice and consent of the Council.

The power of pardoning offences, except such as persons may be convicted of before the Senate, by impeachment of the House, shall be in the Governor, by and with the advice of the Council: But no charter of pardon granted by the Governor, with advice of Council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

All judicial officers, the Attorney General, Solicitors, all Sheriffs, Coroners, Registers of Probate, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the Governor and Council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the Council agree thereto. The Governor and Council shall have a negative on each other, both in the nominations and appointments. The yeas & nays both of the Governor & Council present, shall on all nominations & appointments be entered on the Journals of the Council. The Captains and subalterns in the respective regiments shall be nominated by the field officers, & if approved by the Governor, shall be appointed by him.

No officer duly commissioned to command in the militia, shall be removed from his office, but by the address of both Houses to the Governor, or by fair trial in court martial, pursuant to the laws of the State for the time being.

The commanding officers of the regiment shall appoint their Adjutants and Quarter Masters; the Brigadiers, their Brigade-Majors; the Major-Generals, their Aids; the Captains and Subalterns, their non-commissioned officers.

The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this State, until the same shall be altered by some future law.

No monies shall be issued out of the treasury of this State, and disposed of, (except such sums as may be appropriated for the redemption of bills of credit, or Treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the Governor for the time being, by and with the advice and consent of the Council, for the necessary support and defence of this State, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

All public boards, the Commissary-General, all superintending officers of public magazines and stores, belonging to this State, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and small arms, with their accoutrements, and of all other public property under their care respectively; distinguishing the quantity and kind of each, as particularly as may be; together with the condition of such forts and garrisons: And the commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors adjacent.

The Governor and Council shall be compensated for their services, from time to time, by such grants as the General Court shall think reasonable.

Permanent and honorable salaries shall be established by law. for the Justices of the Supreme Court.

LIEUTENANT GOVERNOR.

There shall be annually elected in the month of March, a Lieutenant Governor, whose title shall be His Honor: And who shall be qualified in point of property & residence, & elected in the same manner as the Governor is.

The qualifications of the electors shall be the same as those required by this Constitution for the election of Senators.

The Lieutenant Governor, when the Governor is in the chair, shall be President of the Senate, & have a casting vote in case of a tie.

Whenever the chair of the Governor shall be vacant, by reason of his death, absence from the State, or otherwise, the Lieutenant Governor shall, during such vacancy, have & exercise all the powers & authorities which by this Constitution the Governor is vested with when personally present.

COUNCIL.

THERE shall be annually elected, by ballot, five Councillors, for advising the Governor in the executive part of government. The freeholders and other inhabitants in each county, qualified to vote for Senators, shall, some time in the month of March, give in their votes for one Councillor; [The number of votes for Councillors shall be returned to the Secretary of the State, in like manner as the votes for Governor. The Secretary & Treasurer of the State, shall, untill the Legislature shall appoint other persons for that purpose, sort & count the votes, make a record thereof, & certify the choice, which record, & the returns from the several towns, parishes & places shall be deposited in the Secretary's office.]

[The foregoing paragraph within brackets is *crossed* in the journal.—Ed.]

And the person having a majority of votes in any county, shall be considered as duly elected a Councillor: But if no person shall have a majority of votes in any county, the Senate and House of Representatives shall take the names of the two persons who have the highest number of votes in each county, and not elected, and out of them two shall elect, by joint ballot, the Councillor wanting for such county.

Provided nevertheless, That no person shall be capable of being elected a Councillor, who has not an estate of the value of five hundred pounds within this State, three hundred pounds of which (or more) shall be a freehold in his own right; and who is not thirty years of age; and who shall not have been an inhabitant of this State for seven years immediately preceding his election; and, at the time of his election, an inhabitant of the county in which he is elected.

The Secretary shall, annually, seventeen days before the third Wednesday of September, give notice of the choice to the persons elected.

If any Councillor shall be elected Governor or Lieutenant Governor, or member of either branch of the Legislature, and shall accept the trust; or if any person, elected as Councillor, shall refuse to accept the office; or in case of the death, resignation, or removal of any Councillor out of the State: the Governor may issue a precept for the election of a new Councillor in that county where such vacancy shall happen; and the elections shall be in the same manner as before directed.

If any new county shall hereafter be made in this State, a Councillor shall be chosen therein in the same manner as before directed.

The Governor shall have full power and authority to convene the Council, from time to time, at his discretion: and, with them, or the majority of them, may, and shall, from time to time, hold a Council, for ordering and directing the affairs of the State, according to the laws of the land.

The members of the Council may be impeached by the House, and tried by the Senate, for mal-conduct.

The resolutions and advice of the Council shall be recorded by the Secretary, in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time, by either House of the Legislature; and any member of the Council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

And whereas the elections, appointed to be made by this Constitution on the third Wednesday of September annually, by the two Houses of the Legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed: And the order of the elections shall be as follows: The Governor shall be first elected, provided there should be no choice of him by the people: And afterwards, the two Houses shall proceed to fill up the vacancy, if any, in the Council.

SECRETARY, TREASURER, COMMISSARY, &C.

The Secretary, Treasurer, & Commissary-General, shall be chosen by joint ballot of the Senators and Representatives assembled in one room.

The records of the State shall be kept in the office of the Secretary, and he shall attend the Governor and Council, the Senate, and Representatives, in person, or by Deputy, as they may require.

The Secretary of the State shall, at all times, have a Deputy, to be by him appointed; for whose conduct in office he shall be responsible: And in case of the death, removal, or inability of the Secretary, his Deputy shall have and exercise all the duties of the office of Secretary of this State, until another shall be appointed.

The Secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the State, for the punctual performance of his trust.

COUNTY TREASURER, &C.

The County Treasurer, & Registers of Deeds shall be elected by the inhabitants of the several towns, in the several Counties in the State, according to the method now practised, & the laws of the State.

Provided nevertheless, The Legislature shall have authority to alter

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the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them—& also to divide the several Counties into as many districts, for registering of deeds, as to them shall appear necessary, the inhabitants of each District to elect a Register.

The County Treasurers & Register of deeds, before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, & shall severally give bond, with sufficient sureties, in a reasonable sum, for the use of the County or District, for the punctual performance of their respective trusts.

JUDICIARY POWER.

The Judicial power of the State shall be vested in a Supreme Court of Judicature, except as is hereafter provided; This court shall consist of one Chief Justice, & and not more than nine nor less than six Associate Justices.

The Supreme Judicial Court shall be & they hereby are, fully authorized and empowered, to grant new trials & restorations to law, in all cases where to them it shall appear reasonable.

The power of hearing & determining causes in Equity, shall, by the Legislature, be vested in the Supreme Judicial Court, to be limited and defined by law; and no suit shall be sustained in Equity, where adequate remedy may be had in the courts of law.

There shall be a Court erected in each county, to be called the County Court, to consist of one Chief Justice, & not more than six nor less than four Associate Justices, who shall have all the jurisdiction in civil & criminal matters and vested with all the powers and authorities that now appertain to the Courts of General Sessions of the Peace, and such other matters (the trying of civil suits excepted) as may be constitutionally assigned to them by the Legislature, except the raising County taxes, which taxes shall be raised by the Representatives in each County, in such manner as the Legislature shall direct—appeals shall be granted from said Courts to the Supreme Judicial Court, as they are now allowed from the Courts of General Session of the Peace to the Superior Court; or in such cases and manner as the Legislature may by Law establish: *Provided nevertheless*, That the General Court shall have authority to make such other regulations by law as shall be necessary for the appropriation of County taxes.

Justices of the Peace shall have the power of hearing & determining all actions wherein the sum demanded in damage does not exceed four pounds, except those wherein the title to things real may be drawn in question—an appeal being allowed in civil actions to the Supreme Judicial Court, & in criminal matters to the County Courts in such cases & manner as the Legislature shall by law establish.

The tenure that all commission officers shall have by law in their offices, shall be expressed in their respective Commissions. All Judicial officers, duly appointed, commissioned & sworn, shall hold their offices during good behavior, excepting those concerning whom there is a different provision made in this Constitution: *Provided nevertheless*, the Governor, with consent of Council, may remove them upon the Address of both Houses of the Legislature.

Each branch of the Legislature, as well as the Governor & Council,

shall have authority to require the opinions of the Justices of the Supreme Court upon important questions of Law, & upon solemn occasions.

No person shall hold the office of Judge of any Court or sheriff of any County, after he has arrived to the age of 65 years.

In order that the people may not suffer from the long continuance in place of any Justice of the Peace, who shall fail in discharging the important duties of his office with ability & fidelity, all commissions of Justices of the Peace shall become void, at the expiration of five years from their respective dates; but upon the expiration of any commission, the same may, if necessary, be renewed.

No Judge of any Court, or Justice of the Peace, shall act as Attorney, or be of council, to any party, or originate any civil suit, in matters that shall come before him as Judge, or Justice of the Peace.

All matters relating to the probate of wills, and granting letters of administration, &c. shall be exercised by the Judges of Probate, in such manner as the Legislature have directed, or may direct: And the Judges of Probate shall hold their Courts at such place or places, on such fixed days as the convenience of the people may require: And the Legislature shall from time to time hereafter appoint such times & places, untill which appointments, the said Courts shall be holden at the times & places which the respective Judges shall direct.

No Judge or Register of Probate of Wills, &c. shall be of Council, act as Advocate or receive any fees as advocate or council, in any probate business that is pending, or that may be brought into any Court of probate in the county of which he is Judge or Register.

All causes of marriage, divorce & alimony, & all appeals from the respective judges of probate, shall be heard & tried by the Supreme Court, untill the Legislature shall, by Law, make other provision.

CLERKS OF COURTS.

The Clerks of the Courts of law shall be appointed by the respective Courts during pleasure: And to prevent any fraud or unfairness in the entries & records of the Courts, no such Clerk shall be of council, in any cause in the Court of which he is Clerk, nor shall he fill any writ in any civil action whatsoever.

ENCOURAGEMENT OF LITERATURE, &c.

Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and œconomy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people.

OATH and Subscriptions; Exclusion from Offices; Commissions; Writs; Habeas Corpus; the Enacting Stile; Continuance of Officers; Provision for a future Revision of the Constitution, &c.

Any person chosen Governor, Lieutenant Governor, Councillor, Senator, or Representative, military or civil officer, (town officers excepted) accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz.

I, A. B., do solemnly swear, that I will bear faith and true allegiance to the State of New Hampshire, and will support the Constitution thereof. *So help me God.*

I, A. B., do solemnly and sincerely swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities, agreeably to the rules and regulations of this Constitution, and the Laws of the State of New Hampshire. *So help me God.*

Provided always, When any person chosen or appointed as aforesaid, shall be scrupulous of swearing, & shall decline taking the said oaths, such shall take & subscribe them, omitting the word "swear," and likewise the words, "So help me God;" subjoining instead thereof, *This I do under the pains and penalties of perjury.*

Any person having taken and subscribed the oath of allegiance, and the same being filed in the Secretary's office, he shall not be obliged to take said oath again.

And the oaths or affirmations shall be taken and subscribed by the Governor, before the Lieutenant Governor, in the presence of the Legislature, and by the Senate and Representatives first elected under this Constitution, as amended, and altered, before the President and three of the Council of the former Constitution, and forever afterwards before the Governor and Council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the Legislature.

All commissions shall be in the name of the State of New Hampshire, signed by the Governor, and attested by the Secretary, or his Deputy, and shall have the great seal of the State affixed thereto.

All writs issuing out of the Clerk's office in any of the Courts of Law, shall be in the name of the State of New Hampshire; shall be under the seal of the Court whence they issue, and bear test of one of the Justices of the Court to which the same shall be returnable; and be signed by the Clerk of such Court.

All indictments, presentments, and informations, shall conclude, *against the peace and dignity of the State.*

The estates of such persons as may destroy their own lives, shall not for that offence be forfeited, but descend or ascend in the same manner, as if such persons had died in a natural way. Nor shall any article, which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

The privilege and benefits of the Habeas Corpus, shall be enjoyed in this State, in the most free, cheap, expeditious, and ample manner, and shall not be suspended by the Legislature, except upon the most urgent and pressing occasions, and for a time not exceeding three months.

The enacting stile in making and passing acts, statutes, and laws,

shall be—*Be it enacted by the Senate and House of Representatives, in General Court convened.*

No Governor, Lieutenant Governor or Judge of the Supreme Judicial Court, shall hold any office or place under the authority of this State, except such as by this Constitution they are admitted to hold, saving that the Judges of the said Court may hold the offices of Justice of the Peace throughout the State; nor shall they hold any place or office, or receive any pension or salary, from any other State, government, or power, whatever.

No person shall be capable of exercising, at the same time, more than one of the following offices within this State, viz. Judge of Probate, Sheriff, Register of Deeds; and never more than two offices of profit, which may be held by appointment of the Governor, or Governor and Council, or Senate and House of Representatives, or Supreme judicial or Inferior Courts; military offices, and offices of Justices of the Peace, excepted.

No person holding the office of Judge of any Court, Secretary, Treasurer of the State, Attorney-General, Commissary-General, military officers receiving pay from the continent or this State, (excepting officers of the militia, occasionally called forth on an emergency) Register of Deeds, President, Professor or instructor of any college, Sheriff, or officer of the customs, including naval officers, Collectors of excise, Collectors of taxes, members of Congress, or any person holding any office under the government of the United States, shall, at the same time hold the office of Governor, Lieutenant Governor, or have a seat in the Senate, or House of Representatives, or Council; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of his seat in the chair, Senate, House of Representatives, or Council: and the place so vacated shall be filled up.

No person shall ever be admitted to hold a seat in the Legislature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery or corruption, in obtaining an election or appointment.

No new town or parish shall be formed in whole or in part, out of any town or parish without the consent of a major part of the qualified voters of such town or parish, out of which they are so formed, voting upon the question at a legal meeting held for that purpose.

All Judges of Courts and other civil officers, whose appointment is vested in the Governor and Council (Justices of the Peace and coroners only excepted), shall be appointed and commissioned within one year after adopting the amendments to the Constitution: and the Commissions of all such officers who have been heretofore appointed by the President and Council shall thereupon determine and become void.

To the end that there may be no failure of justice, or danger to the State, by the alterations and amendments made in the Constitution, the General Court is hereby fully authorized and directed to fix the time when the amendments and alterations shall take effect, and make the necessary arrangements accordingly.

This form of government shall be enrolled on parchment, and deposited in the Secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the books containing the laws of this State, in all future editions thereof.

The Legislature, whenever two thirds of both houses shall deem it

necessary, shall propose amendments, or on the application of a majority of the incorporated towns and parishes within this State, shall call a Convention for proposing amendments, which in either case, shall be valid to all intents and purposes as part of this Constitution, when approved of by a majority of the qualified voters present and voting in town meetings on the question.

[JOURNAL RESUMED—P. 88.]

Proceeded to take up the report of the Committee and considered the same paragraph by paragraph; and in order for a free and full discussion thereof, Convention resolved themselves into a Committee of the whole: The Honb[l] Nath[l] Peabody Esq[r]. appointed chairman, who took the chair: They then proceeded to a consideration of the report.

The first proposed amendment was in the 19[th] Article of the Bill of Rights, which was read and no debate thereon [see marg. p. 46].

The second was in the 20[th] Article of the said Bill of Rights, which was read: The proposed alteration was in the following words: "And also in Actions where the sum demanded in Damages shall not exceed twenty shillings;"—and after much debate the question was put, Whether said alteration shall stand in said article as reported;—which was determined in the negative. Some words were then proposed as a substitute, but were not accepted.

The Committee then rose with leave to sit again; and the President took the chair & the Committee reported progress. [P. 89.] Adjourned to 9 o'clock to-morrow morning.

Friday, Feb[y] 10[th], 1792.

Convention met according to adjournment. After reading the Journal of yesterday &c. proceeded in Com[tee] of the whole: The chairman having taken the chair.

Resumed the consideration of the 20[th] article of the Bill of Rights, and after some debate motion was made to postpone the further consideration thereof for the present—which passed in the affirmative.

The next proposed amendment was for a thirty-ninth Article in the bill of Rights in the following words: "Beasts of the plough not exceeding a yoke of oxen or a horse, Instruments of Husbandry, and the necessary tools of a man's trade, shall not be liable to be distrained, attached or taken in Execution for Debt, unless by the person who furnished them."

After some debate the question was put, Shall this be

accepted as an article of the Bill of Rights? Voted in the negative.

The next proposed amendment was in the second paragraph under the head GENERAL COURT:—which was to make the paragraph read thus: "The Senate and House shall assemble every year on the third Wednesday of September, and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the said third Wednesday of September, and shall be stiled the GENERAL COURT of NEW HAMPSHIRE"—which [P. 90.] being read and considered and after some debate, the question was put, Shall the word September stand in the report? Voted in the negative.

Motion was then made to insert the word November:—but the motion was lost.

Motion was then made that the word January be inserted, and the word "third" be struck out, that it might read the *first* Wednesday in January: but the motion was lost.

Motion was then made that the last mentioned paragraph of the report be postponed to make way for the following: Shall there be any alteration made in the time for the first meeting of the General Court?—which motion prevailed.

The question was then put, Shall there be any alteration made in the time for the first meeting of the General Court? To determine which the yeas and nays were called, and were as follows, viz.:

[P. 91.] 49 Yeas—50 Nays. So no alteration is to be made.

Proceeded to the Report under the head PRESIDENT [see margin, p. 55] or Governor. The first paragraph proposed to be altered to read as follows, (viz.) The word "President" shall be struck out and Governor inserted in all the sections where the President is named: which report was read and considered, received and accepted.

[P. 92.] The next amendment that took place was in the following words: "But if no person shall have a majority of votes, the Senate and House of Representatives shall by joint Ballot elect one of the two persons having the highest number of votes who shall be declared Governor."

The Committee then rose with leave to sit again, and the President took the Chair, and the Committee reported progress.

The Convention then adjourned to 3 o'clock P. M.

Met accordingly.

Proceeded to the first paragraph under the Head GENERAL COURT.

Two alterations were proposed, but neither obtained, and it was voted to postpone the consideration of said proposed alterations for the present.

They then proceeded to the paragraphs under the head GOVERNOR. The second paragraph was read and not debated.

The third paragraph as reported was read and received so far as to the words above mentioned, "but if no person [P. 93.] shall have a majority," &c.

The fourth paragraph was received with the alteration from "ninety days" to "seven months," and with an alteration fixing the place to which the Governor shall adjourn the Court in cases of disagreement between the two Branches &c. to meet at the place where the General Court should be at that time sitting. The remainder of the paragraphs were accepted as far as to the one beginning thus: "The Governor and Council shall be compensated," &c.

The Committee then rose with leave to sit again, and the President took the Chair, and the Committee reported progress.

The Convention then adjourned to 9 o'clock to-morrow morn^{g}.

Saturday, Feb^{y} 11th, 1792.

The Convention met according to adjournment. After reading the Journal &c. proceeded in Committee (The Chairman in the Chair) to the consideration of the paragraph, The Governor and Council, &c. And was Voted to stand thus: The Governor and Council shall have a compensation for their services, to be fixed annually by the General Court early at their first session, which shall not be [P. 94.] increased or diminished during the time for which the Governor and Council shall have been elected.

The next paragraph was read respecting Salaries to the Judges of the Supreme Court, but not debated.

Proceeded to the Report under the head, Lieut. Governor, but it was not accepted.

Nextly, proceeded to consider of the Report respecting the Governor's power in legislation, or otherwise the negative that the Governor may have on the Acts of the Legislature;—which is placed under the head

GENERAL COURT.

The Report was accepted with this alteration that, On the return of a Bill by the Governor for reconsideration, it shall require two thirds of both Houses instead of four sevenths of one and a majority of the other,—as reported.

The next paragraph in the report respecting the Governor's negative on a Resolve was accepted.

The next paragraph respecting a member taking fees, [p. 95.] being of Council &c. was accepted.

Instead of the next paragraph reported, the following was substituted:—The doors of the Galleries of each house of the Legislature shall be kept open to all persons who behave decently, except when the welfare of the State, in the opinion of either branch shall require secrecy.

Proceeded to the Report under the head

SENATE,

and Voted that the word "twelve" be erased & the word thirteen inserted in the first and second paragraphs, but did not finish the debate on the first paragraph respecting electing the Senate for two years. The Committee rose with leave to sit again, and the President took the Chair and the Committee reported progress.

Convention then adjourned to Monday next at 3 o'clock, P. M.

Monday, Feb^{y} 13th, 1792.

Convention met according to adjournment.

After reading the Journal &c. The Chairman took the Chair and in Committee of the whole proceeded to the consideration of the Senators being chosen for two years, and being divided into two classes, and dismissing seven the first year, and filling up the vacancies from the same districts, and dismissing the remainder the next year, and fill [p. 96.] up the vacancies from the districts in which they were chosen, and so on annually by rotation: & after some debate the foregoing proposition was postponed to make way for the following, (viz.) That in order to render the Senate Independent of and a check upon the other Branch of the Legislature, and that they may indeed be the representatives of the People, the choice of the Senate ought to be completed by the People themselves, and not by the medium of the House of Representatives; and Senators

elected as has been heretofore practised:—which last proposition was determined by yeas & nays, and are as follows;—
44 yeas—45 nays. So it was negatived.

The foregoing proposition was then tried and rejected.

In the third clause reported, the word "biennially" to be erased and the word annually inserted.

In the fourth clause, the words, "Every second year" be erased and that the word annually [be] inserted.

On the words in said fourth clause "paying for himself or liable to pay a poll tax or the amount thereof," some debate ensued and a Committee was chosen to report thereon; the Committee were Mr. Thompson, Mr. Walker & Mr. Blanchard.

The Committee then rose with leave to sit again, and the President took the chair and the Committee reported progress.

[P. 98.] Adjourned to half past 8 o'clock to-morrow morning.

Tuesday, Feb^{y} 14th 1792.

The Convention met according to adjournment. After reading the Journal, &c. the chairman having taken the chair proceeded on the report of the Committee: much debate ensued on a proposed clause in the following words: "Every officer whilst under impeachment shall be suspended from the exercise of the duties of his office, but the trial shall be as speedy as the nature of the case will admit:"—but the clause was rejected.

On debating the report of the Sub Committee and the matter to them referred, motion was made, that the words "paying for himself a poll tax" be erased, and the words "excepting paupers & persons excused from paying taxes at their own request" be inserted;—which motion prevailed: And that the word "free" be inserted following the word "every."

Proceeded to the Report under the head

General Court.

Debated on several proposed amendments, but no alteration made in the Constitution.

The Committee rose with leave to sit again and the Presi-
[P. 99.] dent took the chair. The Committee reported progress.

Adjourned to half past 2 o'clock P. M. Met accordingly.

Voted, That when the business is gone through in Committee of the whole, and Convention shall have come to a determination with respect to any alteration that may be made, that the Secretary with William Plummer Esq. arrange the alterations that may have taken place, by incorporating said alterations into the Bill of rights and Constitution in their proper places.

Proceeded in Committee of the whole (The chairman having taken the chair) to the consideration of the report under the head

GENERAL COURT,

and the following clause in the report was rejected, (viz) a *Proviso*, that when the number of Representatives shall amount to one hundred and ten, the Legislature shall make such arrangements as that at no time they shall exceed that number, nor at any time less than eighty.

The alteration respecting filling up vacancies was also rejected.

Proceeded to the report under the head

COUNCIL.

[P. 100.] Accepted the whole, with the word "and" added to the paragraph respecting a new County,—till the last clause respecting the order of Elections—which was passed over without a determination.

Proceeded to the Report under the head

SECRETARY, TREASURER, COMMISSARY, &c.

the whole of which was accepted.

Proceeded to the Report under the head

COUNTY TREASURER, &c.

which was debated with respect to Registers of Deeds, but came to no determination.

The Committee then rose with leave to sit again, and the President took the chair, and the Committee reported progress.

Adjourned to 9 o'clock to-morrow morning.

Wednesday, Feb^{y} 15th, 1792.

Convention met according to adjournment. After reading the Journal, &c. Proceeded to the report of the Com-

mittee under the head COUNTY TREASURER, &c. the first [P. 101.] clause in the report was accepted; the second accepted with the following words inserted—"the manner of certifying the votes, and"—to be inserted immediately after the word "alter." Also the following words inserted, "And also on the application of the major part of the inhabitants of any county, to divide the same into two districts for registering of Deeds when ever it shall appear reasonable," instead of the words, "and also to divide the several Counties into as many districts for registering of Deed[s] as to them shall appear necessary"—the other clause was accepted.

Proceeded to consider of the report under the head

JUDICIARY POWER.

Voted that the whole of the system be considered in the first place and afterwards to take the paragraphs separately. After some debate the Committee rose with leave to sit again; and the President took the chair and the Committee reported progress.

Adjourned to 3 o'clock P. M. Met accordingly.

Proceeded in Committee of the whole to the considera- [P. 102.] tion of the report under the head Judiciary Power. After some debate it was voted to proceed by paragraphs.

Upon reading the first paragraph, which was in the following words: "The Judicial power of the State shall be vested in a Supreme Court of Judicature, except as is hereafter provided; This Court shall consist of one Chief Justice and not more than nine nor less than six associate Justices." Motion was made to divide the paragraph and take a vote on the former part, which obtained, namely: "The Judicial Power of the State shall be vested in a Supreme Court of Judicature, except as is hereafter provided:" on which the yeas and nays were called and are as follows. [P. 103.] 48 Yeas—54 nays. So it was rejected.

Motion was then made that the remainder under said head be postponed, to consider of a proposition laid on the table by a member;—which motion obtained: but before any debate ensued the Committee rose with leave to sit again, and the President took the Chair—and the Committee reported progress.

Adjourned to 9 o'clock to-morrow morning.

[p. 104.] Thursday, Feb^{y} 16th, 1792.

Convention met according to adjournment.

After reading the Journal &c., Proceeded in Committee of the whole to take under consideration the proposition voted to be taken under consideration the last evening; and motion was made to postpone said proposition, and take under consideration another delivered in this morning by a member in the following words: "It shall be the duty of the General Court to make a reform in the Judiciary System, that Justice may be administered in a more cheap and expeditious manner than is now practised; and that no party shall have a review after the cause has been determined against him twice by Jury." After some debate it was moved to postpone the last proposition in order to make room for the following:

"If the General Court shall judge it necessary for the public good they are authorized and impowered to abolish the Courts of Common pleas and invest such other Courts as they may establish with the powers and Jurisdiction now vested in said Courts of Common pleas, or to make any regulations respecting the powers and Jurisdiction now [p. 105.] existing, as the public good may require.' After some debate the motion was divided, and motion was made to take the opinion of the Committee whether the following words in the proposition should stand: "It shall be the duty of the General Court to make a reform in the Judiciary system:" to determine which the yeas and nays were [p. 106.] called and are follows: 56 Yeas—39 nays. So the words are to stand.

It was then voted that said proposition be accepted as before stated, in the following words: "It shall be the duty of the General Court to make a reform in the Judiciary system that justice may be administered in a more cheap and expeditious manner than is now practised, and that no party shall have a review after the cause has been determined against him twice by Jury."

The Committee then rose with leave to sit again, and the President took the chair and the Committee reported progress.

Adjourned to 3 o'clock, p. m. Met accordingly.

[p. 107.] Proceeded in Committee of the whole to the consideration of the following proposition: "The General Court

are hereby impowered to make alterations in the power and jurisdiction of the Courts of Common pleas and the Court of General Sessions respectively, or if they shall judge it necessary for the public good, to abolish those Courts or either of them, and invest such other Courts as they may establish, with the jurisdiction and powers now vested in the said Courts of Common pleas and Courts of General Sessions of the Peace, as the General Court may from time to time judge expedient for the due administration of Law and Justice"—which proposition was accepted.

The next proposition debated was in the following words: "The General Court are also impowered to give to Justices of the Peace (who shall by the Executive be specially commissioned for that purpose) jurisdiction in civil causes when the damages demanded shall not exceed four pounds and title of land is not concerned, but with right of appeal to either party to some other Court, so that a trial by Jury in the last resort may be had."

After some debate it was voted to strike out the words [P. 108.] "who shall by the Executive be specially commissioned for that purpose," and the proposition was then accepted:—Determined by yeas and nays, 64 yeas—34 nays.

Proceeded to the report respecting vesting Chancery powers, which was in the following words: "And may vest in such Courts respectively as to the General Court may appear for the public good, the Powers incident to a Court of Equity in Chancery, not repugnant to the Constitution."

After some debate it was agreed to have it stand as voted the last session, excepting that the words "ought to" be erased, and instead thereof the words, "shall by the Legislature."

The Committee then rose with leave to sit again, and the President took the chair, and the Committee reported progress.

Adjourned to 9 o'clock to-morrow morning.

Friday, Feb^{y} 17th, 1792.

Convention met according to adjournment. After reading the Journal &c. Proceeded in Committee of the whole to consider of several motions proposed for vesting the power of granting new trials & restoring to Law &c. After some de- [P. 109.] bate the several motions were committed to the

consideration of Mr. Pickering, Mr. Livermore, Mr. Humphreys, Mr. Atherton & Mr. Payne who are to report their opinion.

The next paragraph in the report respecting the tenure of Commissions &c. was accepted.

The next respecting the Legislature requiring the opinions of the Supreme Court &c. was accepted.

The next paragraph respecting a Judge or Sheriff holding their office after 65 years of age, motion was made to strike off 65 and insert 70,—which motion obtained; and the words "or Judge of Probate," to be inserted, following the word "Court"—was accepted with the alterations.

The next paragraph, respecting Commissions of Justices of the Peace expiring in five years was accepted.

The next paragraph, Judges and Justices &c. being of Council &c. was accepted.

The next paragraph relating to Probate of Wills &c. was referred to the Committee chosen this morning, and that they report their opinion.

The remaining two paragraphs were accepted, under said head.

[p. 110.] Under the head CLERK OF COURTS, the paragraph was accepted.

Under the head Encouragement of Literature, the paragraph was accepted.

Under the head OATHS & SUBSCRIPTIONS, EXCLUSIONS, &c. the several paragraphs were accepted, with the word "Lieutenant Governor" erased, till it come to the paragraph beginning, "all writs issuing" &c. which clause was rejected.

The two next paragraphs were accepted.

The next paragraph in the Constitution though not reported is to come under consideration in Convention.

The two next paragraphs were accepted as reported.

Proceeded to the next paragraph reported "No Governor," &c. after some debate, the Committee rose with leave to sit again, and the President took the chair, and the Committee reported progress.

Adjourned to 3 o'clock, P. M. Met accordingly.

Proceeded in Committee of the whole to the paragraph under consideration, when the Committee rose and accepted the same.

[P. 111.] The next paragraph was read, considered and accepted.

The next paragraph was read and the words "Collectors of Excise and State and Continental taxes hereafter appointed and not having settled their accounts for their collections with the respective officers with whom it is their duty to settle such accounts," added to said paragraph.

Motion was then made to strike out the words "President, professor or Instructor of any College;" After some debate the question was put, shall the words stand—which question was determined by yeas and nays, and were as follows :—viz. [P. 112.] 56 Yeas—45 Nays. So the motion did not prevail.

The next paragraph was accepted.

The next proposed paragraph, "No new town or parish," &c. was rejected.

The next proposed paragraph, "All Judges of Courts," &c. was rejected.

The next proposition that came under consideration was respecting an officer to act as first magistrate in case of a vacancy, and voted that "the President of the Senate officiate as first magistrate in the absence of the Governor."

[P. 113.] The Committee rose with leave to sit again, and the President took the Chair, and the Committee reported progress.

Adjourned to 9 o'clock to-morrow morning.

Saturday, Feb^{y} 18th, 1792.

Convention met according to adjournment. After reading the Journal &c. Proceeded in Committee of the whole to consider of the Reports of the Sub Committee. The report on the several motions proposed for vesting the powers of granting new trials, restoring to Law, &c. was in the following words: "And it shall be the duty of the General Court to vest in such Court or Courts of Law as to them may appear expedient, the power of Granting new trials, or a trial after judgment, either upon verdict of a Jury, default, non-suit, or complaint for affirmation of judgment, in all cases when substantial justice has not been done (except as before excepted) in such manner and under such restrictions and regulations as to the General Court may appear for the public good: *Provided*, application be made for such review or trial within one year from the ren-
[P. 114.] dition of judgment:"—which report was accepted.

On the paragraph relating to the Probate of Wills &c. which was referred to the Sub Committee, they reported as follows: "All matters relating to the Probate of Wills &c. granting letters of administration &c. shall be exercised by the Judges of Probate in such manner as the Legislature have directed or may direct; and the judges of Probate shall hold their Courts at such place or places on such fixed days as the convenience of the people may require and the Legislature from time to time appoint:" which report was accepted.

The next proposition that was considered was in the following words: "The person who in case of a vacancy shall execute the office of Governor, shall be chosen by the People in the same way and manner, as the Governor by the Constitution is to be chosen:"—which was determined by Yeas and Nays—and are as follows: viz.

[P. 115.] 47 Yeas—52 Nays. So the motion was lost.

It was then voted, that "the Senate shall appoint their President and other officers," and determine &c. as in the present Constitution.

Nextly, proceeded to the consideration of a proposition in the following words, viz. "The Senate before they proceed [P. 116.] to the trial of any officer impeached, shall summon him by process to be served by a sworn officer at least days before the day of trial; and in case of his non-appearance shall proceed to hear the Impeachment and evidence, and render judgment, his non-appearance notwithstanding;" —which, with causes of impeachment &c. was referred to a Committee consisting of Mr. Humphreys, Mr. Plummer and Mr. Peabody, who are to report to Convention their opinion thereon.

Voted, That Mr. Walker, Mr. Thompson, Mr. Peabody, Mr. Atherton & Mr. Humphreys be a Committee to take under consideration the 20th Article in the Bill of Rights.

The Committee then rose with leave to sit again, and the President took the chair and the Committee reported progress.

Adjourned to 3 o'clock, P. M. Met accordingly.

The next paragraph in the report, "To the end that there be no failure," &c. was accepted.

The next paragraph was accepted.

[P. 117.] Instead of the last paragraph reported, the following was voted—"At the first annual or other meeting held for the choice of Representatives after seven years is expired

from the time of the Amendments to the Constitution having been accepted, the Electors shall give their Representatives their opinion or Instructions in writing voted at the meeting, relative to the propriety or necessity of calling a Convention to revise the Constitution; and if it shall appear to the General Court that it is the opinion of a major part of the people voting thereon to have the Constitution revised, it shall be their duty to call a Convention for that purpose; and the same method shall be observed at the end of every seven years afterwards; And the amendments which may be agreed on by such Convention shall be valid to all intents and purposes as part of this Constitution when approved of by of the qualified voters present and voting in Town meeting on the question."

The Committee then rose and the President took the chair, the Committee informed that their Report should be given in on Monday morning, at the time of the meeting of Convention.

[P. 118.] Adjourned to Monday next at 9 o'clock, A. M.

Monday, Feb^{y}, 20th, 1792.

Convention met according to adjournment. Read the Report of the Committee of the whole, and voted to proceed in the following manner, (viz.) to take up the report of the Committee of Convention and the Committee of the whole, and determine thereon.

[NOTE. The following appears to be the Report of the Committee of the whole, referred to on page 118 of the Journal: it is found in MS. Journal on pages 443–450, as follows.—ED.]

The Committee of the whole, having taken under their consideration the Report of the Committee of Convention chosen in September last, and maturely deliberated thereon, agree to the following alterations in said Report, (viz.)

To strike out the 39th article in the Bill of Rights.

Under the head GENERAL COURT,

2^{d} Paragraph—Strike out the word "third" and insert the word "first." Strike out the word "September" & insert the word "June."

5th Paragraph—Strike out the words "four sevenths," and insert the words "two thirds;" also, Strike out the words "a majority," and insert the words "two thirds" instead thereof.

8th Paragraph—Strike out the whole, and insert as follows:

"The doors of the Galleries of each House of the Legislature, shall be kept open to all persons who behave decently, except when the welfare of the State in the opinion of either Branch shall require secrecy."

Under the head SENATE.

1st Paragraph—Strike out the word "twelve," and insert the word "thirteen." Strike out the words "two years," and insert the words "one year." Strike out "third Wednesday of September," and insert "first Wednesday of June."

2d Paragraph—Strike out the word "twelve" and insert the word "thirteen."

3d Paragraph—Strike out the word "biennially," and insert the word "annually."

4th Paragraph—Strike out the words "every second year," and insert "annually." Strike out "paying for himself a poll tax or liable to pay poll tax or the amount thereof," and insert, "excepting paupers and persons excused from paying taxes at their own request."

6th Paragraph—Strike out.

7th Paragraph—Strike out the whole after the words "sealed up and directed," and insert words necessary to make the method of returning &c. to read as in the present constitution.

9th Paragraph—Strike out the words "every second year," and insert the word "annually."

10th, 11th, & 12th Paragraphs rejected, and the same method to be pursued to determine the choice of Senators, when a majority of votes is wanting, as when a Governor has not a majority.

The last Paragraph was rejected.

Voted, That the Senate shall appoint their President and other officers, and determine their own rules of proceedings, and not *than* less than seven members of the Senate shall make a quorum for doing business: and when less than eight Senators shall be present, the assent of five at least shall be necessary to render their acts and proceedings valid.

The President of the Senate shall officiate as first magistrate in the absence of the Governor.

Under the head, HOUSE OF REPRESENTATIVES, the Proviso following the first Paragraph strike out.

EXECUTIVE POWER.

Under the head, GOVERNOR

3d Paragraph—Strike out the whole after the words "the House," and insert, "The Senate and House of Representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared Governor."

5th Paragraph—the words, "to meet at the place where the General Court shall be at that time sitting," are to be inserted following the word "require."

14th Paragraph—Strike out, and insert the following:

The Governor and Council shall have a compensation for their services, to be fixed Annually by the General Court early at their first session, which shall not be encreased nor diminished during the time for which the Governor & Council shall have been elected.

The whole under the head LIEUT. GOVERNOR strike out.

Under the head COUNCIL.

4th Paragraph strike out the word "third," & insert "first." Strike out the word "September" and insert "June."

5th Paragraph—Strike out the words "Lieut. Governor."

Begin the 6th paragraph with the word "And."

The last paragraph respecting the order of Elections was not determined.

Under the head SECRETARY, Treasurer, Commissary &c. no alteration was made.

Under the head COUNTY TREASURER, &c. 2d paragraph insert the words "The manner of certifying the votes and," following the word "alter." Strike out "And also to" &c. and insert, "and also on the application of the major part of the Inhabitants of any County, to divide the same into two districts for registering of Deeds whenever it shall appear reasonable."

Under the head JUDICIARY POWER.

The 1st, 2d, 4th & 5th paragraphs rejected, and the following voted:—

"It shall be the duty of the General Court to make a reform in the Judiciary system, that justice may be administered in a more cheap and expeditious manner than is now practised, and that no party shall have a Review after the cause has been determined against him twice by a Jury.

"The General Court are hereby impowered to make alterations in the power and jurisdiction of the Courts of Common Pleas and Courts of General Sessions respectively; or if they shall judge it necessary for the public good, to abolish those courts or either of them, and invest such other Courts as they may establish with the jurisdiction and powers now vested in the Courts of Common Pleas and Courts of General Sessions of the Peace, as the General Court may from time to time judge expedient for the due administration of Law and Justice.

"And it shall be the duty of the General Court to vest in such Court or Courts of Law as to them may appear expedient, the power of granting new trials, or a trial after judgment, either upon verdict of a Jury, default, non-suit, or complaint for affirmation of judgment in all cases when substantial justice has not been done (except as before excepted) in such manner and under such restrictions and regulations as to the General Court may appear for the public good; Provided application be made for such review or trial within one year from the rendition of judgment."

3d Paragraph committed to a Sub Committee.

8th Paragraph, the words "or Judge of Probate" to follow the word "Court." Strike out the words "sixty-five," and insert the word "seventy."

11th Paragraph, strike out the word "shall," and the word "hereafter," and the whole after the word "appoint."

Under the head OATHS, & Subscriptions, Exclusions, &c.

1st Paragraph—Strike out the words "Lieut. Governor."

5th Paragraph,—Strike the whole out.

10th Paragraph,—Strike out the words "Lieut. Governor."

12th Paragraph—Strike out the words, "Collectors of Excise, Collector of taxes," and insert "Collectors of Excise and State and Continental taxes hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts" following "Naval officer."

Strike out the words "Lieutenant Governor."

14 Paragraph strike out.

15 Paragraph strike out.

The last Paragraph strike out and insert the following. "At the first annual or other meetings held for the choice of Representatives after seven years is expired from the time of the amendments to the Constitution having been Accepted, the Electors shall give their Representatives their opinion or Instructions in writing. Voted at the meeting relative to the propriety or necessity of calling a Convention to revise the Constitution, and if it shall appear to the General Court that it is the opinion of a major part of the people voting thereon to have the Constitution revised, it shall be their duty to call a Convention for that purpose, and the same method shall be observed at the end of every seven years afterwards: And the amendments which may be agreed on by such Convention shall be valid to all intents and purposes as part of this Constitution, when approved of by.....of the qualified voters present and voting in town meeting on the question."

N. B. A paragraph beginning "All Laws" &c. not acted upon.

Accepted the first five articles in the Bill of rights without any alteration.

6th Article debated and referred to Mr. Peabody, Mr. Walker & Mr. Livermore.

7th Accepted with this alteration: Strike out "United State[s] of America in Congress Assembled," and insert "Congress of the United States of America."

8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th Articles were accepted without any alteration: 17th accepted—erasing the word "Assembly," and insert the word "Legislature."

18th accepted—erasing the words "those of," also the word "dye" and insert "offences."

19th accepted—erasing the word "citizen" and inserting "subject."

20th article erased, and the one received as reported by the Committee and inserted instead of the one erased. [See Report of Com., marg. p. 189.]

21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32d, 33d, and 34th rec[d].

[P. 119.] 35th accepted, with striking out the words "or Superior."

36th, 37th, 38th accepted. 39th rejected.

Adjourned to 3 o'clock P. M. Met accordingly.

Proceed to the Form of Government.

First paragraph accepted with this alteration,—"of the State of New Hampshire," erased, and the words "formerly called the Province of New Hampshire" [instead].

GENERAL COURT.

1st paragraph accepted—2d accepted with erasing the words "third Wednesday of September," and inserting the words "last Wednesday of October" in two places in the paragraph—which was determined by yeas and nays, and are as follows: 50 yeas,—46 nays.

3d, 4th accepted; 5th accepted, striking out "four sevenths," and inserting "two thirds;" and striking out "a majority" and insert "two thirds."

6th and 7th accepted; 8th rejected and another inserted; 9th accepted.

SENATE.

5th Paragraph accepted with the alterations made in Committee of the whole.

Adjourned to 9 o'clock to-morrow morning.

Tuesday, Febr 21st, 1792.

Convention met according to adjournment.

Proceeded to the consideration of the several remaining paragraphs under the head, SENATE. The 6th & 7th accepted, the 8th 9th & 10th rejected; the 11th 12th & 13th accepted with some small alterations which were made in the proper place; 14th accepted with some alterations which were inserted. [P. 120.] The last paragraph reported,—which was in the following words, viz., "Every officer whilst under impeachment shall be suspended from the exercise of the duties of his office unless the House of Representatives shall order otherwise; but the trial shall be as speedy as the nature of the case will admit"—which paragraph was largely debated, and the yeas and nays called to determine thereon, and were as follows:

46 yeas—49 nays. So the motion was lost.

[P. 121.] Adjourned to 3 o'clock, P. M. Met accordingly.

Proceeded to the consideration of the several articles or Paragraphs under the head HOUSE OF REPRESENTATIVES.

On the 1st paragraph much debate ensued, and motion was made to strike out the words "three hundred," and insert "two hundred and twenty-five" as the mean increasing number—to determine which the yeas & nays were called and were as follows:

19 yeas—79 Nays. So the motion was lost and no alteration was made in said article.

[P. 122.] The next paragraph contained in a *proviso* to prevent the number of Representatives being more than one hundred and ten at any one time hereafter, &c. was rejected. The remainder under said head was accepted till it comes to the paragraph respecting printing the Journal of the Gen[l] Court, & after some debate it was rejected as reported, and received as it stands in the Constitution, with the addition of the following words: "And all the public Acts" to follow the words, "General Court."

The following paragraph was added, "And any member of the Senate or House of Representatives shall have a right on motion made at the time for that purpose to have his protest or dissent with the reasons against any vote, resolve or Bill passed, entered on the Journals."

Proceeded to consider of the Paragraphs under the head,

GOVERNOR (as reported).

The first paragraph was accepted and the 2[d] came under consideration, and it was voted, that an alteration be made, which was inserted in its place: the 3[d] came under consideration respecting Electors &c. and voted, that Mr. [P. 123.] Payne, Mr. Humphreys & Mr. Livermore be a Committee to make an arrangement of the several Paragraphs touching the Executive, and make them conformable to certain votes that have been passed in Convention.

Adjourned to 9 o'clock to-morrow morning.

Wednesday, Feb[y] 22[d], 1792.

Convention met according to adjournment. Proceeded to consider of the Report of the Committee on the 6[th] Article in the Bill of rights—which after being fully debated, motion was made to accept the report:—on which motion the yeas and nays were called, and are as follows:

57 yeas—35 Nays. So the report was accepted.

[P. 124.] Accepted the report of the Committee on the last clause or paragraph under the head SENATE.

Proceeded to consider of the Report of the Committee, to consider of and report upon the whole under the head

GOVERNOR,

and accepted the same.

Proceeded to consider of the Paragraphs under the head

COUNCIL,

and voted to erase the paragraph giving liberty in case there should be a new County to have an additional Counsellor—which was rejected.

Adjourned to 3 o'clock P. M. Met accordingly.

The following *Proviso* was taken under consideration: "Provided nevertheless, that the Legislature may if the publick good shall hereafter require it, divide the State into five Districts for the election of Counsellors, according to the numbers and taxes as nearly equal as may be, that one Counsellor may be chosen in each District:" which Proviso was accepted.

Voted That every nomination and appointment shall be signed by the Governor and Council, and every negative shall be signed by the Governor or Council who negatived the same.

Under the head

SECRETARY, TREASURER, &c.

received as reported by the Com^tee of Convention. Report [P. 125.] of the Committee of the whole under the head COUNTY TREASURER, &c. was received as reported by the Committee. Under the head County Treasurer &c. the whole received as reported by the committee of the whole.

Under the head, JUDICIARY POWER received as reported by the Committee of the whole.

The paragraph under the head, CLERK of COURTS refer'd to Mr. Humphreys for an alteration.

Under the head, ENCOURAGEMENT of LITERATURE, the paragraph was accepted as reported.

Under the head OATHS & SUBSCRIPTIONS &c. accepted as reported.

Adjourned to 9 o'clock to-morrow morning.

Thursday, Feb^y, 23^d, 1792.

Convention met according to adjournment. Received the report under the head "Clerk of Courts"—which was as follows: "The Judges of the Courts, (those of Probate excepted,) shall appoint their respective Clerks during pleasure; and no such clerk shall be of Council in any cause in the Court of which he is clerk, nor shall he draw any writ originating a Civil Action."

[P. 126.] Proceeded to the paragraph which excludes certain officers from holding a seat in the Legislature, and motion was made to insert the words "Justices of the Peace;" —to determine which the yeas & nays were called, and are as follows:

34 yeas—62 nays. So the motion did not prevail.

[P. 127.] Motion was made to strike out the words "Judge of the Inferior Court of Common Pleas:"—but the motion was lost.

Motion was then made to strike out the words, "President, Professor or Instructor of any College"—which passed in the affirmative, and the words were struck out.

Voted, That when the Governor shall be tried on Impeachment the Chief Justice of the State shall preside in the Senate, but shall have no vote therein.

Voted, That Mr. Humphreys, Mr. Page & Mr. Newcomb be a Committee to report on the last paragraph in the Constitution.

Adjourned to 3 o'clock P. M. Met accordingly.

The Committee reported on the last Paragraph, which report was read and considered, received and accepted.

Voted That Mr. Cilley, Mr. Thompson, Mr. Atherton, Mr. Chase and Mr. Freeman be a Committee to consider and report in what way and manner the proceedings in Convention shall be printed and distributed to the several Towns; when the meetings in the Towns shall be held; the manner of the Towns making returns & the time and place where Convention shall hold their next session.

[P. 128.] The foregoing Committee reported: "That some person be appointed to agree with a printer to strike off .....copies of the proceedings of Convention; that he superintend the Press; that he direct one copy to the Selectmen of each Town, parish and unincorporated place; that he bind up the copies belonging to each County in a separate bundle and direct and send them to the sheriffs of the respective Counties, accompanied with a letter directing the sheriff to send the copies of the several respective Towns &c. in the County without delay; that the meetings in the several towns throughout the State to consider and vote on the doings of the Convention, be held on the first Monday in May next, and that the Convention adjourn to meet again on the last Wednesday of said May, at Concord."

On reading and considering the foregoing report, it was Voted, That two persons be employed for the purpose mentioned.

Voted, That Mr. Thompson, Mr. Toppan & Mr. Peabody be a Committee to nominate four persons—two of whom to be apptd a Committee for said purpose.

Voted, That Mr. Page, Mr. Plummer & Mr. Livermore be a Committee to point out the manner in which the returns from the several Towns shall be made.

[P. 129.] Adjourned to 8 o'clock to-morrow morning.

Friday, Febr 24th, 1792.

Convention met according to adjournment. The Committee to Nominate four persons, two of whom &c. nominated Mr. Pickering, Mr. Peabody, Mr. Walker & Doctr Saml Tinney.

The Committee to whom was referred, to consider in what manner the returns &c. should be made, reported: "That the Articles of amendments be incorporated with the Constitution and printed: And the Articles of Amendment be numbered, and also printed with two blank columns on each page, with the amendments, and at the top of one column be printed the words, "Votes for the Amendments," and at the top of the other column be printed, "Votes against the Amendments:" That the returns be made by writing down against each particular Amendment the number of votes for the article or against the article, as the case may be, and that there be printed at the end of the articles a certificate in the following words, (viz.)

"I ..... Town clerk of ..... do hereby certify and attest, that the number of votes for and against each ar-

[P. 130.] ticle of amendment as set down in each column against each particular article, is just and true as voted and taken in town meeting duly warned for that purpose, and held in the town of.....in the County of.....this ..... day of May, Anno Domini 1792.

.....Town Clerk."

The Committee further report an order to be printed on the first page of the Articles of amendments as follows, (viz.)

"In Convention held at Concord the second Wednesday of Febr, 1792, by adjournment, ordered that the Constitution, with the articles of amendment incorporated, be printed,

in order that the Constitution Amended be better understood; and the Articles of Amendments be also printed and sent to the several Towns and unincorporated places as soon as may be, to be laid before each Town and unincorporated place at a meeting of the Inhabitants duly warned for that purpose, to be held on the first Monday of May next, being the 7th day of sd month, to be separately voted [p. 131.] upon by the qualified voters present, and the Clerk of such Town or place shall seal up the articles of amendments with the number of votes written down for or against each particular article and cause return thereof to be made to the Convention at Concord on the last Wednesday in May next:"—which report was accepted.

Proceeded to elect two persons of the four nominated, and made choice of the Honbl Timothy Walker, Esquire, and Doctr Saml Tinney, to procure five hundred printed copies of the amendments &c., one copy for each Town, one for each member, and the remainder amongst some of the largest towns in the State; and directed to the several sheriffs to be by them distributed agreeably to a former Report.

Voted that the Secretary be directed to furnish the above Committee with an attested copy of the amendments and alterations, and also an attested copy of the Constitution, with the amendments and alterations incorporated.

Voted, That Mr. Plummer be requested to assist the Secretary in making out said copies.

[p. 32.] Adjourned to Wednesday, the 30th of May next then to meet at Concord.

NOTE BY THE EDITOR.

[Here follow, in order, *first*, the articles in addition to and in amendment of the constitution as sent out to the people; and *second*, the constitution with the said articles incorporated.]

Articles in addition to and amendment of the Constitution of the State of New Hampshire, agreed to by the Convention of said State, & submitted to the people thereof for their approbation.

[See Pages 396–435, and 461–470 of the MS. Journal.]

NOTES BY THE EDITOR.

[In the numbering of the articles of amendment and alterations which follow, there is a slight discrepancy between the original manuscript of the Journal, and the printed form as sent out to the people. The editor has followed the latter in numbering the said articles. There is no discrepancy in the matter thereof, except that the last article, No. 72, is in the printed form as sent out to the people.]

[The following pages are a specimen of the form in which the amendments were sent out,—the votes for or against each amendment being set down in the ruled columns. It was judged unnecessary to put the rules on every page. The result is noted in the returns at the end.]

[The Articles of amendment are numbered as they were sent out to the people.—Ed.]

	Votes for the Amend-ments.	Votes against the Amend'ts.
Under the head Bill of Rights:		
That the following be added to the 6th Article.		
No. 1.		
But this shall not be construed to free a person from the obligation of his own contract on his pretence of changing his religious persuasion after making the contract.		
And whenever a minister is settled by any incorporated town or parish, any person dissenting, shall have liberty either at the meeting or previous to the ordination of the minister, or within one month after the vote obtained for his settlement, to enter his dissent with the town or parish clerk against paying or contributing toward the support of such minister; & all minors, who after such settlement shall come of age, and all inhabitants of such town or parish who are absent from the same at the time of such meeting or settlement, and all persons who after such settlement move into such town or parish to reside, shall have three months from the time of their coming of full age, returning into town or moving in to reside, as aforesaid, respectively, to		

Votes for the Amendments

Votes against the Amendments

enter their dissent with the town or parish clerk as aforesaid.

And all persons who do not enter their dissent as aforesaid, shall be bound by the major vote of such town or parish, & it shall be considered as their voluntary contract: But all persons who enter their dissent as aforesaid shall not be bound by the vote of such town or parish, or considered as party to such contract, or in any way be compelled to contribute towards the support of the minister, nor shall any person be compelled to contribute towards the support of a minister who shall change from the sect or denomination of which he professed to be when he settled, to any other persuasion, sect or denomination.

No. 2.

Article 17th, That the word "Assembly" be expunged, & the word "Legislature" inserted.

No. 3.

Article 18th. That the words "those of," "dye," be expunged, & the word "offences" inserted.

No. 4.

Article 19th. To be expunged & the following substituted in lieu thereof: viz.

Every subject hath a right to be secure from all unreasonable searches & seizures of his person, his houses, his papers, & all his possessions; Therefore all warrants to search suspected places, or arrest a person for examination, or trial in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation: & if the order in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; & no warrants ought to be issued but in cases, & with the formalities prescribed by law.

No. 5.

Article 20th. To be expunged and the following substituted in lieu thereof: viz.

In all controversies concerning property, and in all suits between two or more persons, excepting in cases wherein it hath been heretofore otherwise used and practised, the parties have a right to a trial by jury, and this right shall be deemed sacred and inviolable; but the Legislature may, by the Constitution, be empowered to make such regulations as will prevent parties from having as many trials by Jury in the same suit or action as hath been

heretofore allowed and practised; and to extend the civil jurisdiction of Justices of the Peace to the trial of suits where the sum demanded in damages doth not exceed four pounds, saving the right of appeal to either party;—But no such regulations shall take away the right of a trial by Jury in any case, not in this article before excepted, unless in cases respecting mariners wages.

No. 6.

Article 31st, To be expunged & the following substituted in lieu thereof: viz.

The Legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

No. 7.

Article 35th, To be expunged and the following substituted in lieu thereof: viz.

It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the Laws, and administration of Justice; It is the right of every citizen to be tried by Judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the Judges of the Supreme Judicial Court should hold their offices so long as they behave well, subject however to such limitations on account of age as may be provided by the Constitution of the State; & that they should have honorable salaries ascertained and established by standing laws.

Under the head GENERAL COURT.

No. 8.

The Senate & House shall assemble every year on the last Wednesday of Octor, & at such other times as they may Judge necessary & shall dissolve and be dissolved seven days next preceding the last Wednesday of October, & shall be stiled the GENERAL COURT OF NEW HAMPSHIRE.

No. 9.

No member of the Genl Court shall take fees, be of Council, or act as Advocate, in any cause before either branch of the Legislature; & upon due proof thereof such member shall forfeit his seat in the Legislature.

No. 10.

The doors of the galleries of each House of the Legislature shall be kept open to all persons who behave decently, except when the welfare of the State in the opinion of either branch shall require secrecy.

SENATE.

No. 11.

That the several paragraphs under the head of Senate be expunged, and the following be substituted in lieu thereof: viz.

The Senate shall consist of *thirteen* members who shall hold their office for one year from the last Wednesday of October next ensuing their election.

No. 12.

And, that the State may be equally represented in the Senate, the Legislature shall from time to time divide the State into thirteen districts as nearly equal as may be, without dividing towns and unincorporated places; and in making this division they shall govern themselves by the proportion of public taxes paid by the said districts, and timely make known to the inhabitants of the State the limits of each district.

No. 13.

The freeholders and other inhabitants of each district qualified as in this Constitution is provided, shall annually give in their votes for a Senator at some meeting holden in the month of March.

No. 14.

The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner, viz: Every male inhabitant of each town & parish with town priviledges, and places unincorporated in this State, of twenty-one years and upwards, excepting paupers, and persons excused from paying taxes at their own request, shall have a right at the annual or other meetings of the inhabitants of said towns & parishes, to be duely warned & holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the Senators in the district whereof he is a member.

No. 15.

Provided nevertheless, That no person shall be capable of being elected a Senator who is not seized of a freehold estate in his own right of the value of two hundred pounds, lying within this State, who is not of the age of thirty years, and who shall not have been an Inhabitant of this State for seven years immediately preceding his election; and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

No. 16.

And every person qualified as the Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in that town, parish and plantation where he dwelleth and hath his home.

No. 17.

And the inhabitants of plantations and places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government or shall be taxed therefor, shall have the same priviledge of voting for Senators in the plantations & places wherein they reside, as the inhabitants of the respective towns & parishes aforesaid have. And the meetings of such plantations & places for that purpose, shall be holden annually in the month of March, at such places respectively therein, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting & returning the votes, as the Selectmen & Town Clerks have in their several towns by this Constitution.

No. 18.

The meetings for the choice of Governor, Counsellors & Senators shall be warned by warrant from the Selectmen, & governed by a mod-

erator, who shall in the presence of the Selectmen (whose duty it shall be to attend) in open meeting receive the votes of all the inhabitants of such towns & parishes present & qualified to vote for Senators. & shall in said meetings, in presence of the said selectmen & of the town Clerk, in said meeting sort and count the said votes & make a public declaration thereof, with the name of every person voted for, & the number of votes for each person. And the town Clerk shall make a fair record of the same at large in the Town book & shall make out a fair attested copy thereof, to be by him sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof: And the said Town clerk shall cause such attested copy to be delivered to the sheriff of the County in which such town or parish shall lie forty days at least before the last Wednesday of October, or to the Secretary of the State at least thirty days before the said last Wednesday of October:—and the Sheriff of each County or his deputy shall deliver all such certificates by him received, into the Secretary's office at least thirty days before the last Wednesday of October.

No. 19.

And, that there may be a due meeting of Senators on the last Wednesday of October annually, the Governor & a majority of the Council for the time being, shall as soon as may be, examine the returned copies of such records: & fourteen days before the said last Wednesday of October, he shall issue his summons to such persons as appear to be chosen Senators by a majority of votes, to attend & take their seats on that day: *Provided nevertheless*, that for the first year, the said returned copies shall be examined by the President & a majority of the Council then in office, and the said President shall in like manner notify the persons elected, to attend and take their seats accordingly.

No. 20.

And, in case there shall not appear to be a Senator elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz: The members of the House of Representatives & such Senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district; & out of these shall elect by joint ballot, the Senator wanting for such district: & in this manner all such vacancies shall be filled up in every district of the State; & in like manner all vacancies in the Senate arising by death, removal out of the State, or otherwise, shall be supplied as soon as may be, after such vacancies happen.

No. 21.

The Senate shall be final judges of the elections, returns & qualifications of their own members as pointed out in this Constitution.

No. 22.

The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time:—*Provided nevertheless*, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time & place as they may think proper, although the Legislature be not assembled on such day or at such place.

No. 23.

The Senate shall appoint their President & other officers, & determine

their own rules of proceeding: And not less than seven members of the Senate shall make a quorum for doing business; & when less than eight Senators shall be present, the assent of five at least shall be necessary to render their acts and proceedings valid.

No. 24.

The Senate shall be a Court with full power & authority to hear, try & determine all impeachments made by the House of Representatives against any officer or officers of the State for bribery, corruption, malpractice, or mal-administration in office, with full power to issue summons or compulsory process for convening witnesses before them, with all necessary powers incident to a Court of trials. But previous to the trial of any such Impeachment, the members of the Senate shall respectively be sworn, truly & impartially to try & determine the charge in question according to evidence. And every officer impeached for bribery, corruption, mal-practice or mal-administration in office, shall be served with an attested copy of the Impeachment & order of Senate thereon, with such citation as the Senate may direct, setting forth the time & place of their sitting, to try the impeachment; which service shall be made by the sheriff or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial: & such citation being duly served & returned, the Senate may proceed in the hearing of the Impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses & proofs, & of making his defence by himself & Council, & may also upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, & render Judgment thereon,—his non-appearance notwithstanding—& such Judgment shall have the same force & effect, as if the person impeached had appeared & pleaded on the trial. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit under this State: but the party so convicted, shall nevertheless be liable to indictment, trial, judgment & punishment, according to the laws of the land. Whenever the Governor shall be impeached, the Chief Justice of the Supreme Judicial Court, shall during the trial preside in the Senate, but have no vote therein.

Under the head House of Representatives.

No. 25.

That the fifth Paragraph under this head be expunged & the following added:

All persons qualified to vote in the election of Senators shall be intitled to vote within the district where they dwell in the choice of Representatives. Every member of the House of Representatives shall be chosen by ballot; & for two years at least next preceding his election, shall have been an inhabitant of this State; shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one half of which to be a freehold, whereof he is seized in his own right; & shall be at the time of his election, an inhabitant of the district he may be chosen to represent, & shall cease to represent such district immediately on his ceasing to be qualified as aforesaid.

No. 26.

That the sixth article under said head be expunged & the following added:—

The members of both Houses of the Legislature shall be compensated for their services out of the Treasury of the State by a Law made for that purpose; such member attending seasonably & not departing without license. All intermediate vacancies in the House of Representatives, may be filled up from time to time in the same manner as annual elections are made.

No. 27.

The House of Representatives shall be judge of the returns, elections, & qualifications of its members, as pointed out in this Constitution. That the last paragraph under the head of House of Representatives be expunged, & the following added; viz.

No. 28.

The Journals of the proceedings, & all the public acts of both Houses of the Legislature, shall be printed & published immediately after every adjournment, or prorogation; and upon motion made by any one member, the yeas and nays upon any question, shall be entered in the Journals; And any member of the Senate or House of Representatives shall have a right, on motion made at the time for that purpose, to have his protest or dissent with the reasons against any vote, resolve or bill passed, entered on the Journals.

EXECUTIVE POWER.

GOVERNOR.

No. 29.

The Governor shall be chosen annually in the month of March, & the votes for Governor shall be received, counted, sorted, certified & returned in the same manner as the votes for Senators; & the Secretary shall lay the same before the Senate & House of Representatives, on the last Wednesday of October to be by them examined, and in case of an election by a majority of votes through the State, the choice shall be by them declared & published.

No. 30.

And the qualifications of electors of the Governor shall be the same as those for Senators; and if no person shall have a majority of votes, the Senate & House of Representatives shall by joint ballot elect one of the two persons having the highest number of votes, who shall be declared Governor.

No. 31.

And no person shall be eligible to this office, unless at the time of his election he shall have been an inhabitant of this State for seven years next preceding; & unless he shall be of the age of thirty years, and unless he shall at the same time, have an estate of the value of five hundred pounds, one half of which shall consist of a freehold in his own right within this State.

No. 32.

In cases of disagreement between the two houses with regard to the time or place of adjournment or prorogation, the Governor, with advice of Council, shall have a right to adjourn or prorogue the General Court not exceeding seven months at any one time, as he may determine the

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public good may require, to meet at the place where the Gen! Court shall be at that time sitting; and he shall dissolve the same seven days before the said last Wednesday of October.

No. 33.

And in case of any infectious distemper prevailing in the place where the said Court is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other the most convenient place within the State.

No. 34.

Every bill, which shall have passed both Houses of the General Court, shall before it become a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent together with such objections to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the Journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature by their adjournment prevent its return;—in which case it shall not be a law.

No. 35.

Every resolve shall be presented to the Governor & before the same shall take effect, shall be approved by him, or, being disapproved by him shall be repassed by the Senate and House of Representatives, according to the rules & limitations prescribed in the case of a bill.

No. 36.

All Judicial officers, the Attorney General, Solicitors, all Sheriffs, Coroners, Registers of Probate, & all officers of the Navy, & General & field officers of the Militia, shall be nominated & appointed by the Governor & Council; & every such nomination shall be made at least three days prior to such appointment; & no appointment shall take place, unless a majority of the Council agree thereto. The Governor & Council shall have a negative on each other both in the nominations & appointments. Every nomination & appointment shall be signed by the Governor or Council; & every negative shall be also signed by the Governor or Council who made the same.

No. 37.

The Captains & Subalterns in the respective regiments shall be nominated by the field officers, & if approved by the Governor shall be appointed by him.

No. 38.

Whenever the Chair of the Governor shall become vacant by reason of his death, absence from the State or otherwise, the President of the

Senate, shall, during such vacancy, have and exercise all the powers and authorities which by this Constitution the Governor is vested with when personally present: But when the President of the Senate shall exercise the office of Governor, he shall not hold his office in the Senate.

No. 39.

The several paragraphs under the head "President" in the Constitution, shall be altered by expunging the word "President," and inserting the word GOVERNOR in lieu thereof.

No. 40.

And the second, third, fourth, sixth, ninth, sixteenth, and last paragraph, under the head "President" in the Constitution, shall be expunged, and be considered as no longer in force.

COUNCIL.

No. 41.

The several paragraphs under the head Council in the Constitution shall be expunged, and the following substituted in lieu thereof:

There shall be annually elected by ballot five Councillors for advising the Governor in the Executive part of Government: The freeholders and other inhabitants in each county qualified to vote for Senators, shall some time in the month of March give in their votes for one Councillor;—which votes shall be received, sorted, counted, certified and returned to the Secretary's office, in the same manner as the votes for Senators, to be by the Secretary laid before the Senate and house of Representatives on the last Wednesday of October.

No. 42.

And the person having a majority of votes in any County shall be considered as duly elected a Councillor: But if no person shall have a majority of votes in any County, the Senate and House of Representatives shall take the names of the two persons who have the highest number of votes in each County and not elected, and out of those two shall elect by joint ballot, the Councillor wanted for such County.

No. 43.

Provided nevertheless, That no person shall be capable of being elected a Councillor, who has not an estate of the value of five hundred pounds, within this State, three hundred pounds of which or more shall be a freehold in his own right; and who is not thirty years of age, and who shall not have been an inhabitant of this State for seven years immediately preceding his election, and at the time of his election an inhabitant of the County in which he is elected.

No. 44.

The Secretary shall annually, seventeen days before the last Wednesday of October, give notice of the choice of the persons elected.

No. 45.

If any person shall be elected Governor or member of either branch of the Legislature, and shall accept the trust, or if any person elected as

Councillor shall refuse to accept the office, or in case of the death, resignation, or removal of any Councillor out of the State, the Governor may issue a precept for the election of a new Councillor in that County where such vacancy shall happen, and the choice shall be in the same manner as before directed. The Governor shall have power and authority to convene the Council from time to time at his discretion, and with them or the majority of them, may and shall from time to time hold a Council for ordering and directing the affairs of the State according to the Law of the land.

No. 46.

The members of the Council may be impeached by the House and tried by the Senate for bribery, corruption, mal-practice or mal-administration. The resolutions and advice of the Council shall be recorded by the Secretary in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time, by either House of the Legislature; and any member of the Council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

No. 47.

The Legislature may, if the public good shall hereafter require it, divide the State into five districts as nearly equal as may be, governing themselves by the number of rateable polls & proportion of public taxes, each District to select a Councillor; and in case of such division, the manner of the choice shall be conformable to the present mode of election in Counties.

No. 48.

And whereas the elections appointed to be made by this Constitution on the last Wednesday of October annually by the two Houses of the Legislature may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of the elections shall be as follows: The vacancies in the Senate, if any, shall be first filled up: the Governor shall then be elected, provided there shall be no choice of him by the people, and afterwards the two houses shall proceed to fill up the vacancy, if any, in the Council.

Under the head SECRETARY, &c.

No. 49.

The Secretary of the State shall at all times have a deputy to be by him appointed, for whose conduct in office he shall be responsible, and in case of the death, removal or inability of the Secretary, his deputy shall exercise all the duties of the office of Secretary of this State until another shall be appointed.

No. 50.

The Secretary before he enters upon the business of his office, shall give bond with sufficient sureties in a reasonable sum for the use of the State, for the punctual performance of his trust.

COUNTY TREASURER, &C.

No. 51.

That the paragraph under this head in the Constitution be expunged, and the following substituted in the lieu thereof:

The County Treasurer and Register of Deeds, shall be elected by the inhabitants of the several Towns in the several Counties in the State, according to the method now practised and the laws of the State; *Provided nevertheless*, the Legislature [shall have authority] to alter the manner of certifying the votes and the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them.

No. 52.

And the Legislature on the application of the major part of the inhabitants of any County shall have authority to divide the same into two districts, for registering deeds, if to them it shall appear necessary—each district to elect a Register of deeds.

No. 53.

The County Treasurer and Register of deeds before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond with sufficient sureties in a reasonable sum for the use of the County or District, for the punctual performance of their respective trusts.

JUDICIARY POWER.

No. 54.

It shall be the duty of the General Court to make a reform in the Judiciary system, that justice may be administered in a more cheap and expeditious manner than is now practised; and that no party shall have a review after the cause has been determined against him twice by Jury.

No. 55.

The General Court are hereby empowered to make alterations in the power and jurisdiction of the Courts of common pleas and General Sessions of the peace respectively; or if they shall judge it necessary for the public good, to abolish those Courts, or either of them, and invest such other courts as they may establish, with the jurisdiction and powers now vested in the Courts of common pleas and Courts of General Sessions of the peace, as the General Court may from time to time judge expedient for the due administration of law and justice.

No. 56.

And it shall be the duty of the General Court to vest in such Court or Courts of law as to them may appear expedient, the power of granting new trials, or a trial after judgment, either upon verdict of a Jury, default, non-suit, or complaint for affirmation of judgment, in all cases where substantial justice has not been done (except as before excepted) in such manner and under such restrictions and regulations as to the General Court may appear for the public good;—*Provided*, application be made for such reviews or trial within one year from the rendition of judgment.

No. 57.

For the more effectually preserving the proper separation of the three great powers of Government agreeably to the 37th article in the Bill of rights, the power of hearing and deciding in causes of equity shall be vested either in some judicial Court or Courts, or in some Court to be

established specially for that purpose. *Provided*, no power shall be granted to any such Courts incompatible with the Bill of rights and Constitution, and the powers of said Courts shall be limited and defined by express laws—and no suit in equity shall be sustained where clear and adequate remedy may be had at law.

No. 58.

The General Court are empowered to give to justices of the peace jurisdiction in civil causes when the damages demanded shall not exceed four pounds, and title of real estate is not concerned; but with right of appeal to either party to some other court, so that a trial by Jury in the last resort may be had.

No. 59.

No person shall hold the office of Judge of any Court, or Judge of Probate, or Sheriff of any County after he has attained the age of seventy years.

No. 60.

No Judge of any Court or justice of the peace shall act as attorney, or be of counsel to any party, or originate any civil suit in matters which shall come or be brought before [him] as judge or justice of the peace.

No. 61.

All matters relating to the Probate of Wills and granting letters of administration, shall be exercised by the Judges of probate in such manner as the Legislature have directed or may hereafter direct—and the judges of probate shall hold their Courts at such place or places on such fixed days as the convenience of the people may require, and the legislature from time to time appoint.

No. 62.

No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel in any probate business which is pending or may be brought into any Court of probate, in the county of which he is judge or register.

No. 63.

That the paragraph under the head "CLERKS OF COURT" in the Constitution be expunged, and the following substituted:—viz.

No. 64.

The Judges of the Courts (those of Probate excepted) shall appoint their respective Clerks, to hold their office during pleasure. And no such clerk shall act as an attorney, or be of council in any cause in the Court of which he is clerk, nor shall he draw any writ originating a civil action.

No. 65.

That the paragraph in the Constitution under the head, "DELEGATES TO CONGRESS," be expunged.

No. 66.

The Oath of allegiance in the Constitution shall be expunged, and the following shall be substituted in lieu thereof:

I, A. B..... do solemnly swear that I will bear faith and true allegiance to the State of New Hampshire, and will support the Constitution thereof:— *So help me God.*

No. 67.

Any person having taken and subscribed the oath of allegiance shall not be obliged to take said oath again.

No. 68.

And the Oath or affirmations shall be taken and subscribed by the Governor before the President of the Senate, in presence of both houses of the Legislature, and by the Senators and Representatives first elected under this Constitution as amended and altered, before the President of the State and a majority of the Councillors then in office; and forever afterwards before the Governor and Council for the time being; and by all other officers, before such persons and in such manner as the Legislature shall from time to time appoint.

No. 69.

That the 15th paragraph in this Constitution under the head "Oaths & Subscriptions" &c. be expunged, and the following substituted in lieu thereof, viz.:

No. 70.

No person holding the office of Judge of any Court—except special Judges.—Secretary, Treasurer of the State, Attorney General, Commissary General, Military Officers receiving pay from the Continent or this State,—excepting officers of the militia occasionally called forth on an emergency.—Register of deeds. Sheriff or officer of the Customs, including Naval officers, Collectors of excise and State and Continental taxes hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of Congress or any person holding an office under the United States, shall at the same time hold the office of Governor, or have a seat in the Senate or House of Representatives or Council; but his being chosen and appointed to, and accepting the same, shall operate as a resignation of his seat in the Chair of the Senate or House of Representatives or Council, and the place so vacated shall be filled up. No member of the Council shall have a seat in the Senate or House of Representatives.

No. 71.

To the end that there may be no failure of justice or danger to the State by the alterations and amendments made in the Constitution, the General Court is hereby fully authorized and directed to fix the time when the Amendments and alterations shall take effect, and make the necessary arrangement accordingly. That the last paragraph in the Constitution be expunged, and the following substituted in lieu thereof, viz.:

No. 72.*

It shall be the duty of the Selectmen and Assessors of the several towns and places in this State, in warning the first annual meeting for the choice of Senators, after the expiration of seven years from the

* This article in its present form was sent out with the revised and amended constitution, but the original is not found in the MS. Journal.—Ed.

adoption of this Constitution as amended, to insert expressly in the warrant this purpose, among the others, for the meeting, to wit: To take the sense of the qualified voters on the subject of a revision of the Constitution: And the meeting being warned accordingly, and not otherwise, the Moderator shall take the sense of the qualified voters present, as to the necessity of a revision; and a return of the number of votes for and against such necessity, shall be made by the clerk, sealed up, and directed to the General Court, at their then next session; and if it shall appear to the General Court, by such returns, that the sense of the people of the State has been taken, and that in the opinion of the majority of the qualified voters in the State present, and voting at said meeting, there is a necessity for a revision of the Constitution, it shall be the duty of the General Court to call a Convention for that purpose; otherwise, the General Court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned. The delegates to be chosen in the same manner and proportioned as the representatives to the General Court:—*Provided*, that no alterations shall be made in this Constitution, before the same shall be laid before the towns and unincorporated places, and approved by two thirds of the qualified voters present, and voting on the subject. And the same method of taking the sense of the people, as to the revision of the Constitution and calling a Convention for that purpose, shall be observed afterwards at the expiration of every seven years.

JOHN PICKERING,
President, P. T.

Attest: JOHN CALFE, Secretary.

NOTE BY THE EDITOR.

[Here follows the amended Constitution, with the aforesaid alterations and amendments incorporated as sent out to the people in February, 1792; but, inasmuch as the several articles in the BILL OF RIGHTS (as before printed—pp. 71 76) were unaltered—except article 6th, with slight verbal alterations in 18th and 19th, and the rejection of the 39th,—it is deemed entirely unnecessary to repeat them. In what follows, under the head of Part II, the alterations and amendments are incorporated.]

PART II.

FORM OF GOVERNMENT.

The people inhabiting the territory formerly called the Province of New Hampshire, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent Body-Politic, or State, by the name of the *State of New Hampshire*.

GENERAL COURT.

The Supreme Legislative Power, within this State, shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other.

The Senate and House shall assemble every year on the last Wednesday of October, and at such other times as they may judge necessary; and shall dissolve, and be dissolved, seven days next preceding the said last Wednesday of October; and shall be stiled THE GENERAL COURT OF NEW HAMPSHIRE.

The General Court shall forever have full power and authority to erect and constitute Judicatories and Courts of Record, or other Courts, to be holden in the name of the State, for the hearing, trying, and determining, all manner of crimes, offences, pleas, processes, plaints, actions, causes, matters and things whatsoever, arising or happening within this State, or between or concerning persons inhabiting or residing, or brought within, the same, whether the same be criminal or civil, or whether the crimes be capital, or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and issuing execution thereon. To which Courts and Judicatories, are hereby given and granted, full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

And farther, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this Constitution, as they may judge for the benefit and welfare of this State, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within this State; such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this State, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and also to impose fines, mulcts, imprisonments, and other punishments: and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said State; and upon all estates within the same; to be issued and disposed of by warrant, under the hand of the Governor of this State for the time being, with the advice and consent of the Council, for the public service, in the necessary defence and support of the government of this State, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has heretofore been practised; in order that such assessments may be made with equality, there shall be a valuation of the estates within the State taken anew once in every five years at least, and as much oftener as the General Court shall order.

No member of the General Court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature.

The doors of the galleries of each house of the Legislature, shall be kept open to all persons who behave decently, except when the welfare of the State, in the opinion of either branch, shall require secrecy.

SENATE.

The Senate shall consist of thirteen members, who shall hold their office for one year, from the last Wednesday of October next ensuing their election.

And that the State may be equally represented in the Senate, the Legislature shall from time to time, divide the State into thirteen districts as nearly equal as may be without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of public taxes paid by the said districts, and timely make known to the inhabitants of the State the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this Constitution is provided, shall annually give in their votes for a Senator, at some meeting holden in the month of March.

The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner, viz. Every male inhabitant, of each town, and parish with town privileges, and places unincorporated, in this State, of twenty-one years of age and upwards, excepting paupers, and persons excused from paying taxes at their own request, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the Senators in the county or district whereof he is a member.

Provided nevertheless, That no person shall be capable of being elected a Senator, who is not seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this State, who is not of the age of thirty years, and who shall not have been an inhabitant of this State for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person, qualified as the Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in the town, parish, and plantation, where he dwelleth and hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for Senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose, shall be holden annually in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the Selectmen and Town Clerks have in their several towns by this Constitution.

The meetings for the choice of Governor, Council, and Senators, shall be warned by warrant from the Selectmen, and governed by a Moderator, who shall, in the presence of the Selectmen, (whose duty it shall be to attend) in open meeting, receive the votes of all the

inhabitants of such towns and parishes present, and qualified to vote for Senators; and shall, in said meetings, in presence of the said Selectmen and of the Town Clerk, in said meeting, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person: And the Town Clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof: And the said Town Clerk shall cause such attested copy to be delivered to the Sheriff of the county in which such town or parish shall lie, forty days at least before the last Wednesday of October; or to the Secretary of the State at least thirty days before the said last Wednesday of October: And the Sheriff of each county, or his Deputy, shall deliver all such certificates by him received, into the Secretary's office, at least thirty days before the last Wednesday of October.

And that there may be a due meeting of Senators on the last Wednesday of October annually, the Governor, and a majority of the Council for the time being, shall, as soon as may be, examine the returned copies of such records, and fourteen days before the said last Wednesday of October, he shall issue his summons to such persons as appear to be chosen Senators, by a majority of votes, to attend and take their seats on that day.

Provided nevertheless, That for the first year the said returned copies shall be examined by the President, and a majority of the Council then in office; and the said President shall, in like manner, notify the persons elected, to attend and take their seats accordingly.

And in case there shall not appear to be a Senator elected, by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz. The members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot, the Senator wanted for such district; and in this manner all such vacancies shall be filled up, in every district of the State; and in like manner all vacancies in the Senate, arising by death, removal out of the State, or otherwise, shall be supplied, as soon as may be after such vacancies happen.

The Senate shall be final judges of the elections, returns, and qualifications, of their own members, as pointed out in this Constitution.

The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the Legislature be not assembled on such day, or at such place.

The Senate shall appoint their President, and other officers, and determine their own rules of proceedings: And not less than seven members of the Senate shall make a quorum for doing business; and when less than eight Senators shall be present, the assent of five, at least, shall be necessary, to render their acts and proceedings valid.

The Senate shall be a Court, with full power and authority to hear, try, and determine, all impeachments made by the House of Representatives against any officer or officers of the State, for bribery, corrup-

tion, mal-practice, or mal-administration, in office; with full power to issue summons, or compulsory process, for convening witnesses before them, with all necessary powers incident to a Court of Trials: But previous to the trial of any such impeachment, the members of the Senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, mal-practice, or mal-administration, in office, shall be served with an attested copy of the impeachment, and order of Senate thereon, with such citation as the Senate may direct, setting forth the time and place of their sitting to try the impeachment: which service shall be made by the Sheriff, or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the Senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence, by himself and counsel; and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit, under this State; but the party, so convicted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Whenever the Governor shall be impeached, the Chief Justice of the Supreme Judicial Court shall, during the trial, preside in the Senate, but have no vote therein.

HOUSE OF REPRESENTATIVES.

There shall be, in the Legislature of this State, a representation of the people, annually elected, and founded upon principles of equality: And, in order that such representation may be as equal as circumstances will admit, every town, parish, or place entitled to town privileges, having one hundred and fifty rateable male polls, of twenty-one years of age, and upwards, may elect one Representative: if four hundred and fifty rateable polls, may elect two Representatives; and so proceeding, in that proportion, making three hundred such rateable polls the mean increasing number, for every additional Representative.

Such towns, parishes, or places, as have less than one hundred and fifty rateable polls, shall be classed by the General Assembly, for the purpose of choosing a Representative, and seasonably notified thereof. And in every class, formed for the above-mentioned purpose, the first annual meeting shall be held in the town, parish, or place, wherein most of the rateable polls reside; and afterwards in that which has the next highest number; and so on annually, by rotation, through the several towns, parishes, or places, forming the district.

Whenever any town, parish, or place, entitled to town privileges, as aforesaid, shall not have one hundred and fifty rateable polls, and be so situated as to render the classing thereof with any other town, parish, or place, very inconvenient, the General Assembly may, upon application of a majority of the voters in such town, parish, or place, issue a

writ for their electing and sending a Representative to the General Court.

The members of the House of Representatives shall be chosen annually, in the month of March, and shall be the second branch of the Legislature.

All persons, qualified to vote in the election of Senators, shall be entitled to vote, within the district where they dwell, in the choice of Representatives. Every member of the House of Representatives shall be chosen by ballot; and for two years, at least, next preceding his election, shall have been an inhabitant of this State; shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one half of which to be a freehold, whereof he is seized in his own right; shall be, at the time of his election, an inhabitant of the district he may be chosen to represent; and shall cease to represent such district immediately on his ceasing to be qualified as aforesaid.

The members of both Houses of the Legislature shall be compensated for their services out of the treasury of the State, by a law made for that purpose; such members attending seasonably, and not departing without licence. All intermediate vacancies, in the House of Representatives, may be filled up, from time time, in the same manner as annual elections are made.

The House of Representatives shall be the Grand Inquest of the State: and all impeachments made by them, shall be heard and tried by the Senate.

All money bills shall originate in the House of Representatives; but the Senate may propose, or concur with, amendments, as on other bills.

The House of Representatives shall have power to adjourn themselves, but no longer than two days at a time.

A majority of the members of the House of Representatives shall be a quorum for doing business: But when less than two thirds of the Representatives elected shall be present, the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

No member of the House of Representatives, or Senate, shall be arrested, or held to bail, on mean process, during his going to, returning from, or attendance upon, the Court.

The House of Representatives shall choose their own Speaker, appoint their own officers, and settle the rules of proceedings in their own House: and shall be judge of the returns, elections, and qualifications, of its members, as pointed out in this Constitution. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the House, in its presence, by any disorderly and contemptuous behavior, or by threatening, or ill treating, any of its members: or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the House; in assaulting any witness, or other person, ordered to attend, by and during his attendance of the House; or in rescuing any person arrested by order of the House, knowing them to be such. The Senate, Governor, and Council, shall have the same powers in like cases; provided, that no imprisonment by either, for any offence, exceed ten days.

The journals of the proceedings, and all the public acts of both Houses of the Legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member, the yeas and nays, upon any question shall be entered in the journals: And any member of the Senate, or House of Representatives, shall have a right, on motion made at the time for that purpose, to have his protest, or dissent, with the reasons, against any vote, resolve, or bill, passed, entered on the journals.

EXECUTIVE POWER.

GOVERNOR.

THE Governor shall be chosen annually, in the month of March; and the votes for Governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for Senators; and the Secretary shall lay the same before the Senate and House of Representatives, on the last Wednesday of October, to be by them examined; and in case of an election by a majority of votes through the State, the choice shall be by them declared and published.

And the qualifications of electors of the Governor shall be the same as those for Senators; and if no person shall have a majority of votes, the Senate and House of Representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared Governor.

And no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this State for seven years next preceding, and unless he shall be of the age of thirty years, and unless he shall, at the same time, have an estate of the value of five hundred pounds, one half of which shall consist of a freehold, in his own right, within this State.

In cases of disagreement between the two Houses, with regard to the time or place of adjournment or prorogation, the Governor, with advice of council, shall have a right to adjourn or prorogue the General Court, not exceeding seven months at any one time, as he may determine the public good may require, to meet at the place where the General Court shall be at that time sitting; and he shall dissolve the same seven days before the said last Wednesday of October.

And, in case of any infectious distemper prevailing in the place where the said court at any time is to convene, or any other cause, whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other the most convenient place within the State.

Every bill which shall have passed both Houses of the General Court, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it: if, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with such objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays,

and the names of the persons voting for or against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return, in which case it shall not be a law.

Every resolve shall be presented to the Governor, and, before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

All judicial officers, the Attorney General, Solicitors, all Sheriffs, Coroners, Registers of Probate, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the Governor and Council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the Council agree thereto. The Governor and Council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the Governor and Council, and every negative shall be also signed by the Governor or Council who made the same.

The Captains and Subalterns, in the respective regiments, shall be nominated by the field officers, and if approved by the Governor, shall be appointed by him.

Whenever the chair of the Governor shall become vacant, by reason of his death, absence from the State, or otherwise, the President of the Senate shall, during such vacancy, have and exercise all the powers and authorities which, by this Constitution, the Governor is vested with, when personally present; but when the President of the Senate shall exercise the office of Governor, he shall not hold his office in the Senate.

The Governor, with advice of Council, shall have full power and authority, in the recess of the General Court, to prorogue the same from time to time, not exceeding seven months, in any one recess of said Court; and during the session of said Court, to adjourn or prorogue it to any time the two Houses may desire, and to call it together sooner than the time to which it may be adjourned, or prorogued, if the welfare of the State should require the same.

The Governor of this State for the time being shall be commander in chief of the army and navy, and all the military forces of the State, by sea and land; and shall have full power by himself, or by any chief commander, or other officer, or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and for the special defence and safety of this State, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, expulse, repel, resist and pursue by force of arms, as well by sea as by land, within and without the limits of this State; and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprize and means, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment or annoyance of this State; and to use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion, declared by the Legislature to exist, as occasion shall necessarily require: And surprize, by all ways and means whatsoever, all and

every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying this State: And in fine, the Governor hereby is entrusted with all other powers incident to the office of Captain-General and Commander in Chief, and Admiral, to be exercised agreeably to the rules and regulations of the Constitution, and the laws of the land: Provided, that the Governor shall not, at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted to him by the Legislature, transport any of the inhabitants of this State, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the General Court, nor grant commissions for exercising the law martial in any case, without the advice and consent of the Council.

The power of pardoning offences, except such as persons may be convicted of before the Senate, by impeachment of the House, shall be in the Governor, by and with the advice of the Council: But no charter of pardon granted by the Governor, with advice of Council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

No officer duly commissioned to command in the militia shall be removed from his office, but by the address of both Houses to the Governor, or by fair trial in court-martial, pursuant to the laws of the State for the time being.

The commanding officers of the regiments shall appoint their Adjutants and Quarter-Masters; the Brigadiers, their Brigade-Majors; the Major-Generals, their Aids; the Captains and Subalterns, their non-commissioned officers.

The Governor and Council shall appoint all officers of the continental army, whom, by the confederation of the United States, it is provided that this State shall appoint; as also all officers of forts and garrisons.

The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this State, until the same shall be altered by some future law.

No monies shall be issued out of the treasury of this State, and disposed of, (except such sums as may be appropriated for the redemption of bills of credit, or Treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the Governor for the time being, by and with the advice and consent of the Council, for the necessary support and defence of this State, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

All public boards, the Commissary-General, all superintending officers of public magazines and stores, belonging to this State, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and small arms, with their accoutrements, and of all other public property under their care respectively; distinguishing the quantity and and kind of each, as particularly as may be; together with the condition of such forts and garrisons: And the commanding officer shall

exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors adjacent.

The Governor and Council shall be compensated for their services, from time to time, by such grants as the General Court shall think reasonable.

Permanent and honorable salaries shall be established by law, for the Justices of the Superior Court.

COUNCIL.

There shall be annually elected, by ballot, five Councillors, for advising the Governor in the executive part of government. The freeholders and other inhabitants in each county, qualified to vote for Senators, shall, some time in the month of March, give in their votes for one Councillor; which votes shall be received, sorted, counted, certified, and returned to the Secretary's office, in the same manner as the votes for Senators, to be by the Secretary laid before the Senate and House of Representatives on the last Wednesday of October.

And the person having a majority of votes in any county, shall be considered as duly elected a Councillor: But if no person shall have a majority of votes in any county, the Senate and House of Representatives shall take the names of the two persons who have the highest number of votes in each county, and not elected, and out of those two shall elect, by joint ballot, the Councillor wanted for such county.

Provided nevertheless, That no person shall be capable of being elected a Councillor, who has not an estate of the value of five hundred pounds within this State, three hundred pounds of which (or more) shall be a freehold in his own right; and who is not thirty years of age; and who shall not have been an inhabitant of this State for seven years immediately preceding his election; and, at the time of his election, an inhabitant of the county in which he is elected.

The Secretary shall, annually, seventeen days before the last Wednesday of October, give notice of the choice of the persons elected.

If any person shall be elected Governor, or member of either branch of the Legislature, and shall accept the trust; or if any person, elected a Councillor, shall refuse to accept the office; or in case of the death, resignation, or removal of any Councillor out of the State: the Governor may issue a precept for the election of a new Councillor in that county where such vacancy shall happen; and the choice shall be in the same manner as before directed: And the Governor shall have full power and authority to convene the Council, from time to time, at his discretion; and, with them, or the majority of them, may, and shall, from time to time, hold a Council, for ordering and directing the affairs of the State, according to the laws of the land.

The members of the Council may be impeached by the House, and tried by the Senate, for bribery, corruption, mal-practice, or mal-administration.

The resolutions and advice of the Council shall be recorded by the Secretary, in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time, by either House of the Legislature; and any member of the Council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

The Legislature may, if the public good shall hereafter require it, divide the State into five districts, as nearly equal as may be, governing themselves by the number of rateable polls, and proportion of public taxes; each district to elect a Councillor: And, in case of such division, the manner of the choice shall be conformable to the present mode of election in counties.

And whereas the elections, appointed to be made by this Constitution, on the last Wednesday of October annually, by the two Houses of the Legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same may be completed; And the order of the elections shall be as follows—the vacancies in the Senate, if any, shall be first filled up: The Governor shall then be elected, provided there shall be no choice of him by the people: And afterwards, the two Houses shall proceed to fill up the vacancy, if any, in the Council.

SECRETARY, TREASURER, COMMISSARY-GENERAL, &c.

THE Secretary, Treasurer, and Commissary-General shall be chosen by joint ballot of the Senators and Representatives assembled in one room.

The records of the State shall be kept in the office of the Secretary, and he shall attend the Governor and Council, the Senate and Representatives, in person, or by Deputy, as they may require.

The Secretary of the State shall, at all times, have a Deputy, to be by him appointed; for whose conduct in office he shall be responsible; And in case of the death, removal, or inability, of the Secretary, his Deputy shall exercise all the duties of the office of Secretary of this State, until another shall be appointed.

The Secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the State, for the punctual performance of his trust.

COUNTY TREASURER, &C.

The County Treasurers, and Registers of Deeds, shall be elected by the inhabitants of the several towns, in the several counties in the State, according to the method now practised, and the laws of the State.

Provided nevertheless, The Legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

And the Legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary; each district to elect a Register of Deeds: And before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

JUDICIARY POWER.

It shall be the duty of the General Court to make a reform in the Judiciary System, that justice may be administered in a more cheap and expeditious manner than is now practised, and that no party shall have a review after the cause has been determined against him twice by Jury.

The General Court are hereby empowered to make alterations in the power and jurisdiction of the Courts of Common Pleas, and General Sessions of the Peace, respectively; or, if they shall judge it necessary for the public good, to abolish those Courts, or either of them, and invest such other Courts as they may establish, with the jurisdiction and powers now vested in the Courts of Common Pleas, and Courts of General Sessions of the Peace, as the General Court may, from time to time, judge expedient for the due administration of law and justice.

And it shall be the duty of the General Court, to vest in such Court or Courts of law as to them may appear expedient, the power of granting new trials, or a trial after judgment, either upon verdict of a jury, default, nonsuit, or complaint, for affirmation of judgment, in all cases where substantial justice has not been done, except as before excepted, in such manner, and under such restrictions and regulations, as to the General Court may appear for the public good: Provided application be made for such review or trial within one year from the rendition of judgment.

For the more effectually preserving the proper separation of the three great powers of government, agreeably to the 37th Article in the Bill of Rights, the power of hearing and deciding in causes of equity, shall be vested either in some Judicial Court or Courts, or in some Court to be established specially for that purpose: Provided no power shall be granted to any such Courts, incompatible with the Bill of Rights and Constitution. And the powers of said Courts shall be limited and defined by express laws: And no suit in equity shall be sustained where clear and adequate remedy may be had at law.

The General Court are empowered to give to Justices of the Peace, jurisdiction in civil causes, when the damages demanded shall not exceed *four pounds*, and title of real estate is not concerned; but with right of appeal, to either party, to some other Court, so that a trial by Jury in the last resort may be had.

No person shall hold the office of Judge of any Court, or Judge of Probate, or Sheriff of any county, after he has attained the age of seventy years.

No Judge of any Court, or Justice of the Peace, shall act as Attorney, or be of counsel, to any party, or originate any civil suit, in matters which shall come or be brought before him as Judge, or Justice of the Peace.

All matters relating to the probate of wills, and granting letters of administration, shall be exercised by the Judges of Probate, in such manner as the Legislature have directed, or may hereafter direct: And the Judges of Probate shall hold their Courts at such place or places, on such fixed days, as the conveniency of the people may require, and the Legislature from time to time appoint.

No Judge, or Register of Probate, shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any Court of Probate in the county of which he is Judge or Register.

CLERKS OF COURT.

The Judges of the Courts (those of Probate excepted) shall appoint their respective Clerks, to hold their office during pleasure: And no such clerk shall act as an attorney, or be of counsel, in any cause in the Court of which he is Clerk, nor shall he draw any writ originating a civil action.

ENCOURAGEMENT OF LITERATURE, &c.

Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and œconomy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people.

OATH and Subscriptions; Exclusion from Offices; Commissions; Writs; Confirmation of Laws; Habeas Corpus; the Enacting Stile; Continuance of Officers; Provision for a future Revision of the Constitution, &c.

Any person chosen Governor, Councillor, Senator, or Representative, military or civil officer, (town officers excepted) accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz.

I, A. B., do solemnly swear, that I will bear faith and true allegiance to the State of New Hampshire, and will support the Constitution thereof. *So help me God.*

I, A. B., do solemnly and sincerely swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities, agreeably to the rules and regulations of this Constitution, and the laws of the State of New Hampshire. *So help me God.*

Any person having taken and subscribed the oath of allegiance, and the same being filed in the Secretary's office, he shall not be obliged to take said oath again.

Provided always, When any person chosen or appointed as aforesaid, shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such shall take and subscribe them, omitting the word *swear*, and likewise the words *So help me God*, subjoining instead thereof, *This I do under the pains and penalties of perjury*.

And the oaths or affirmations shall be taken and subscribed by the Governor, before the President of the Senate, in presence of both Houses of the Legislature, and by the Senators and Representatives first elected under this Constitution, as altered and amended, before the

President of the State, and a majority of the Council then in office, and forever afterwards before the Governor and Council for the time being; and by all other officers, before such persons, and in such manner, as the Legislature shall from time to time appoint.

All commissions shall be in the name of the State of New Hampshire, signed by the Governor, and attested by the Secretary, or his Deputy, and shall have the great seal of the State affixed thereto.

All writs issuing out of the Clerk's office in any of the Courts of Law shall be in the name of the State of New Hampshire; shall be under the seal of the Court whence they issue, and bear test of the chief, first, or senior Justice of the Court; but when such Justice shall be interested, then the writ shall bear test of some other Justice of the Court, to which the same shall be returnable; and be signed by the Clerk of such Court.

All indictments, presentments, and informations, shall conclude, *against the peace and dignity of the State.*

The estates of such persons as may destroy their own lives, shall not for that offence be forfeited, but descend or ascend in the same manner, as if such persons had died in a natural way. Nor shall any article, which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

All the laws which have heretofore been adopted, used, and approved, in the Province, Colony or State of New Hampshire, and usually practised on in the Courts of Law, shall remain and be in full force, until altered and repealed by the Legislature; such parts thereof only excepted, as are repugnant to the rights and liberties contained in this Constitution: Provided that nothing herein contained, when compared with the 23d Article in the Bill of Rights, shall be construed to affect the laws already made respecting the persons, or estates, of absentees.

The privilege and benefit of the Habeas Corpus, shall be enjoyed in this State, in the most free, easy, cheap, expeditious, and ample manner, and shall not be suspended by the Legislature, except upon the most urgent and pressing occasions, and for a time not exceeding three months.

The enacting stile in making and passing acts, statutes, and laws, shall be—*Be it enacted by the Senate and House of Representatives, in General Court convened.*

No Governor, or Judge of the Supreme Judicial Court, shall hold any office or place under the authority of this State, except such as by this Constitution they are admitted to hold, saving that the Judges of the said Court may hold the offices of Justice of the Peace throughout the State; nor shall they hold any place or office, or receive any pension or salary, from any other State, government, or power, whatever.

No person shall be capable of exercising, at the same time, more than one of the following offices within this State, viz. Judge of Probate, Sheriff, Register of Deeds; and never more than two offices of profit, which may be held by appointment of the Governor, or Governor and Council, or Senate and House of Representatives, or Superior or Inferior Courts; military offices, and offices of Justices of the Peace, excepted.

No person holding the office of Judge of any Court, (except Special Judges) Secretary, Treasurer of the State, Attorney-General, Commis-

sary-General, military officers receiving pay from the continent or this State, (excepting officers of the militia, occasionally called forth on an emergency) Register of Deeds, Sheriff, or officers of the customs, including naval officers, Collectors of excise, and State and continental taxes, hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of Congress, or any person holding any office under the United States, shall at the same time hold the office of Governor, or have a seat in the Senate, or House of Representatives, or Council; but his being chosen and appointed to, and accepting the same, shall operate as a resignation of their seat in the chair, Senate, or House of Representatives, or Council; and the place so vacated shall be filled up. No member of the Council shall have a seat in the Senate or House of Representatives.

No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery or corruption, in obtaining an election or appointment.

In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver at *six shillings and eight pence* per ounce.

To the end that there may be no failure of justice, or danger to the State, by the alterations and amendments made in the Constitution, the General Court is hereby fully authorized and directed to fix the time when the alterations and amendments shall take effect, and make the necessary arrangements accordingly.

It shall be the duty of the Selectmen, and assessors, of the several towns and places in this State, in warning the first annual meeting for the choice of Senators, after the expiration of seven years from the adoption of this Constitution, as amended, to insert expressly in the warrant, this purpose, among the others for the meeting, to wit, to take the sense of the qualified voters on the subject of a revision of the Constitution; and the meeting being warned accordingly, and not otherwise, the Moderator shall take the sense of the qualified voters present, as to the necessity of a revision; and a return of the number of votes for and against such necessity, shall be made by the Clerk, sealed up, and directed to the General Court, at their then next session; and if it shall appear to the General Court by such return, that the sense of the people of the State has been taken, and that, in the opinion of the majority of the qualified voters in the State, present and voting at said meetings, there is a necessity for a revision of the Constitution, it shall be the duty of the General Court to call a Convention for that purpose, otherwise the General Court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned. The delegates to be chosen in the same manner, and proportioned, as the Representatives to the General Court; provided that no alterations shall be made in this Constitution, before the same shall be laid before the towns and unincorporated places, and approved by two thirds of the qualified voters present and voting on the subject.

And the same method of taking the sense of the people, as to a revision of the Constitution, and calling a Convention for that purpose, shall be observed afterwards, at the expiration of every seven years.

This form of government shall be enrolled on parchment, and de-

posited in the Secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the books containing the laws of this State, in all future editions thereof.

JOHN PICKERING,
President, P. T.

Attest, JOHN CALFE, Secretary.

Wednesday, May 30th, 1792.

Convention met according to adjournment.

Proceeded to the choice of a Committee for examining the Returns from the several Towns, and Mr. Calfe, Mr. Plummer & Mr. Thompson were chosen to report on said Returns.

Adjourned to 9 o'clock to-morrow morning.

Thursday May 31st, 1792.

Convention met according to adjournment. (The Committee not being ready to report) adjourned to 3 o'clock P. M. Met accordingly. Adjourned to 9 o'clock to-morrow morning.

Friday, June 1st, 1792.

Convention met according to adjournment.

The Committee appointed to examine the returns from the several Towns and report thereon, Reported in the following words, viz.

[P. 133.] "Your Committee have carefully entered and cast all the votes of the several Towns in this State agreeably to the numbers returned by the respective clerks for and against the amendments to the Constitution, and find them accepted or rejected as stated in the following list or schedule.

[A two-thirds vote was necessary for the acceptance of an amendment.—ED.]

	For	*Against.*	
No. 1	994	3993	Rejected
2	3760	293	Accepted
3	3567	462	Do.
4	3336	594	Do.
5	2511	1554	Rejected
6	3080	969	Accepted
7	3173	914	Do.
8	1627	2226	Rejectd.
9	4285	219	Accepted
10	4330	144	Do
11	2128	1846	Rejectd.
12	2407	1478	Rejectd.
13	2624	1219	Accepted
14	2722	1102	Do.
15	2300	1500	Rejectd
16	2542	1174	Accepted
17	2763	1065	Acctpd.
18	2343	1541	Rejectd
19	2135	1657	Rejctd
20	2329	1191	Rejed.
21	2693	1034	Accepted
22	2946	813	Do.

	For	Against	
23	2565	1007	Accepted
24	28[illegible]	800	Do.
25	2406	1255	Rejected
26	2653	1120	Accepted
27	2883	489	Do.
28	3287	460	Do.
29	2018	1769	Rejected
30	2475	1163	Accepted
31	2213	1454	Rejected
32	1920	1611	Rejected
33	2650	1081	Accepted
34	2319	1258	Rejected
35	2183	1330	Rejected
36	2327	1196	Rejected
37	2077	1538	Rejected
38	2422	1113	Accepted
39	2467	1220	Do.
40	2104	1270	Rejected
134.]			
41	2287	1336	Rejected
42	2553	1044	Accepted
43	1929	1584	Rejected
44	2102	1320	Rejected
45	2356	1113	Accepted
46	4623	820	Do.
47	2384	1092	Do.
48	2165	1248	Rejected
49	2748	649	Accepted
50	3284	371	Do.
51	2391	1019	Do.
52	2869	714	Do.
53	3111	426	Do.
54	2168	1368	Rejected
55	1540	1911	Rejected
56	2156	1192	Rejected
57	1883	1340	Rejected
58	2228	1103	Accepted
59	2607	912	Do.
60	3140	499	Do.
61	2899	450	Do.
62	3268	294	Do.
63	2540	404	Do.
64	2905	439	Do.
65	2852	302	Do.
66	3037	300	Do.
67	3085	205	Do.
68	2244	907	Do.
69	2127	682	Do.
70	2499	867	Do.
71	3104	226	Do.
72	3327	187	Do.

Sign'd JOHN CALFE
EBEN'. THOMPSON
WM. PLUMMER.

Voted, that Mr. Plummer, Mr. Thompson, Mr. Jere[h] Smith and Mr. Freeman be a Committee to take under consideration what is necessary to be done by the Convention with the Constitution, and the Report of the Committee this day made upon the amendments proposed: and report thereon.

Adjourned to 4 o'clock P. M. Met accordingly.

The Committee not being ready to report, Convention adjourned to 8 o'clock to-morrow morning.

Saturday, June 2[d], 1792.

Convention met according to adjournment.

The Committee to take under consideration what is necessary to be done by the Convention with the Constitution and the Report of the Committee this day made upon the amendments proposed;—Reported in the following words, (viz.)

"Your Committee have carefully compared the several articles of amendments that are approved of by the people with the Constitution, and it appears that under the head Senate, the people have directed the

Senate to elect their own President, and authorized him to fill the chair of Governor when vacant, but when he exercises the office of Governor he shall not hold the office of President of the Senate: That they have made some additions to the Constitution under this head, but have not altered the number of Senators or the mode of their election.

"That under the head of Executive Power, the Stile of the Chief [P. 136.] Magistrate is changed from President to Governor; That he is not to preside in the Senate, but by the Constitution is to have a vote there with any other Senator, and a casting vote in case of a tie.

"That the paragraphs under the head Council in the Constitution are not expunged, yet several paragraphs of the Amendments are approved of that seem to recognize the election of Counsellors by the people and not by the Legislature; and that the people by a clause agreed upon in the Exclusion bill, have expressly prohibited the members of the Council from having a seat in the Legislature.

"That as to the other Articles of Amendments that are approved of, it appears that they are not inconsistent with the Constitution, except such parts of it as are thereby repealed: Your Committee therefore submit it to the consideration of the Convention, whether it is not necessary that some further articles of amendments respecting the Governor and Council should be again submitted to the people for their approbation.

Sign^{d} WM. PLUMER, for the Committee."

[P. 137.] Voted That the Convention Resolve themselves into a Committee of the whole, to take under consideration the Report of the Committee last mentioned. The Hon^{bl} Timothy Walker Esq^{r}. in the chair.

The Committee of the whole, having taken under consideration the Report of the Select Committee, after debate thereon came to the following resolution,—(viz.)

Resolved, that it is the opinion of this Committee that amendments to the Constitution be sent out to the people of this State for their approbation,—the amendments by the returns made to this Convention having been found on examination to be inconsistent with the Constitution and with each other.

The Committee then rose and the President took the chair. Report was then made by the Chairman to the President & Convention of the proceedings of the Committee of the whole:—which report was received and accepted.

Motion was then made to appoint a Committee for the purpose of draughting such amendments as may be judged necessary to be sent out to the people; which motion obtained, and that the s^{d} Com^{tee} consist of seven. The ballots [P. 138.] being taken and counted, Mr. Plummer, Mr. Walker, Mr. Jere^{h}. Smith, Mr. Atherton, Mr. Thompson, Mr. Newcomb and Mr. Livermore were appointed the Committee.

Adjourned to Monday next at 10 o'clock, A. M.

Monday June 4, 1792.

Convention met according to adjournment.

The Committee appointed on Saturday last, reported (verbally) that a majority of the Committee were of opinion that the seeming inconsistency mentioned in the Report of the Committee of Saturday last, may be fairly reconciled, and therefore requested to be discharged. Motion being made and seconded for that purpose, it was put and the Committee discharged.

Motion was then made that such part of the amendments as are contained under the head Executive Power, as hereto- [P. 139.] fore sent out to the people, be again sent out for their acceptance, or rejection, with the alterations of the last Wednesday of October to the 1st Wednesday of June—which motion prevailed.

Adjourned to 3 o'clock, P. M. Met accordingly.

Motion was made that such part of the amendments as are contained under the head Council, as heretofore sent out to the people, with the alterations from the last Wednesday of October to the first Wednesday of June, and adding to what was then N°. forty-two, the following words: "And the qualifications for Counsellors shall be the same as for Senators:" and in the forty-fifth Number, the words, "be thus chosen a counsellor" to follow the word "person," be added, and the numbers forty-three and forty-four left out as rejected by the people—which motion prevailed.

Resolved, That a Committee be chosen to consider what further amendments to the Constitution are necessary to be sent out to the people. The Committee appointed are, Mr. Page (Charlestown) Mr. Hoit, & Mr. Livermore of Portsmouth, and that they prepare an address to accompany the amendments.*

Adjourned to 7 o'clock to-morrow morning.

[P. 140.] Tuesday, June 5th 1792.

Convention met according to adjournment.

The Committee appointed to consider what further amendments are necessary to be sent out to the people, reported in the following words:

"The Committee to whom was referred to consider what further amendments to the Constitution are necessary to be sent to the People, &c. Report the following Articles, viz.

* The editor has searched in vain for an address as ordered to be sent out to the people.

[P. 142.] SENATE.

The Senate shall consist of twelve members, who shall hold their office for one year, from the first Wednesday of June next ensuing their election.

[P. 143.] And that the State may be equally represented in the Senate, the Legislature shall, from time to time, divide the State into twelve districts, as nearly equal as may be without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts, and timely make known to the inhabitants of the State the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this Constitution is provided, shall annually give in their votes for a Senator, at some meeting holden in the month of March.

The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner, viz. Every male inhabitant, of each town, and parish with town privileges, and places unincorporated, in this State, of twenty-one years of age and upwards, excepting paupers, and persons excused from paying taxes at their own request, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the Senator in the district whereof he is a member.

[P. 144.] *Provided nevertheless*, That no person shall be capable of being elected a Senator, who is not of the Protestant religion, and seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this State, who is not of the age of thirty years, and who shall not have been an inhabitant of this State for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person, qualified as the Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in the town, parish, and plantation, where he dwelleth and hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for Senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose, shall be holden annually in the [P. 145.] month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the Selectmen and Town Clerks have in their several towns by this Constitution.

The meetings for the choice of Governor, Council, and Senators, shall be warned by warrant from the Selectmen, and governed by a Moderator, who shall, in the presence of the Selectmen, (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and parishes present, and qualified to vote for Senators; and shall, in said meetings, in presence of the said Selectmen and of the Town Clerk, in said meeting, sort and count the said votes, and make a public

declaration thereof, with the name of every person voted for, and the number of votes for each person: And the Town Clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof: And the said Town Clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish [p. 146.] shall lie, thirty days at least before the first Wednesday of June; or to the Secretary of the State at least twenty days before the first Wednesday of June: And the Sheriff of each county, or his Deputy, shall deliver all such certificates by him received, into the Secretary's office, at least twenty days before the first Wednesday of June.

And, that there may be a due meeting of Senators on the first Wednesday of June annually, the Governor and a majority of the Council for the time being, shall, as soon as may be, examine the returned copies of such records, and fourteen days before the said first Wednesday of June, he shall issue his summons to such persons as appear to be chosen Senators, by a majority of votes, to attend and take their seats on that day.

Provided nevertheless, That for the first year the said returned copies shall be examined by the President, and a majority of the Council then in office; and the said President shall, in like manner, notify the persons elected, to attend and take their seats accordingly.

And in case there shall not appear to be a Senator elected, by a majority of votes, for any district, the deficiency shall be supplied in the [p. 147.] following manner, viz. The members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot, the Senator wanted for such district; and in this manner all such vacancies shall be filled up, in every district of the State; and in like manner all vacancies in the Senate, arising by death, removal out of the State, or otherwise, shall be supplied, as soon as may be after such vacancies happen.

The Senate shall be final judges of the elections, returns, and qualifications, of their own members, as pointed out in this Constitution.

The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the Legislature be not assembled on such day, or at such place.

The Senate shall appoint their President, and other officers, and determine their own rules of proceedings: And not less than seven members of [p. 148.] the Senate shall make a quorum for doing business; and when less than eight Senators shall be present, the assent of five, at least, shall be necessary, to render their acts and proceedings valid.

The Senate shall be a Court, with full power and authority to hear, try, and determine, all impeachments made by the House of Representatives against any officer or officers of the State, for bribery, corruption, malpractice, or mal-administration, in office, with full power to issue summons or compulsory process, for convening witnesses before them: But previous to the trial of any such impeachment, the members of the

Senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, mal-practice, or mal-administration, in office, shall be served with an attested copy of the impeachment, and order of Senate thereon, with such citation as the Senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the Senate may appoint, at least fourteen [P. 149.] days previous to the time of trial; and such citation being duly served and returned, the Senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence, by himself and counsel; and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit under this State; but the party so convicted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Whenever the Governor shall be impeached, the Chief Justice of the Supreme Judicial Court shall, during the trial, preside in the Senate, but have no vote therein.

[P. 151.] The Committee find that the following articles of amendments being approved by the people, are so unconnected with other articles that there is no necessity for again submitting them to the people [P. 152.] to be voted upon, viz.

The 2, 3, 4, 6, 7, 9, 10, 26, 27, 28, 39, 49, 50, 51, 52, 53, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72.

The Committee are of opinion that the Articles last mentioned be printed, that the People may be informed what is already ratified, and that the amendments now to be sent out be printed with the following Certificate at the end, viz.

I ——— ——— town clerk of ——— do certify that at a legal meeting duly warned and held in the town of ——— in the county of ——— this —— day of ——— Anno Domini, 1792, for the purpose of considering the foregoing amendments to the Constitution of the State of New Hampshire, as agreed upon in Convention, that there [P. 153] were —— voters present who voted for the amendments and —— voters present who voted against the amendments.

Attest, ——— ——— Town Clerk.

The Committee are further of opinion that the following Resolve be printed with the amendments to be sent out, viz.

In Convention held at Concord the last Wednesday of May 1792, by adjournment:

Whereas upon examining the returns from the several Towns & unincorporated places, it appears that under the heads Senate, Governor & Council many articles are approved by two thirds of the voters, and many are not approved; by reason whereof said amendments are ren- [P. 154.] dered inconsistant & contradictory, and the Convention not

having the power to reject what has been approved by the People as aforesaid —

Therefore Resolved, that Articles be again sent out to be laid before the several towns and unincorporated places, on the 27th day of August next, that the whole may be approved or rejected; and that return thereof be made to the Convention on the 5th day of Sept. next, and that the articles which have been already approved by more than two thirds of the voters, and not inconsistant or contradictory, be printed, that it may be known what articles have been ratified by the People; and

Whereas, if the articles now sent out are not approved by two thirds [p. 155.] of the qualified voters, the last clause in the exclusion bill, which is in the words following,—"No member of the Council shall have a seat in the Senate or House of Representatives," will be repugnant to other parts of the Constitution:—Therefore

Resolved, That an article be sent out for expunging said clause.

The Committee also report an Article for expunging part of the exclusion bill, which is as follows, viz.

The last clause in the exclusion bill which is in the words following, viz. "No member of the Council shall have a seat in the Senate or House of Representatives," shall be expunged.

[p. 156.] All which is respectfully submitted, by

WM. PAGE,
for the Committee.

Which report was read and considered, Recd and accepted.

Resolved that a committee be appointed to report to the Convention, that part of the amendments to be sent out to the people, under the head EXECUTIVE, agreeably to the votes of the Convention.

The Committee, Mr. Plummer, Mr. Smith of Peterboro' and Mr. Livermore of Portsmouth.

The above named Committee reported in the following words:

EXECUTIVE POWER.

GOVERNOR.

There shall be a Supreme Executive Magistrate, who shall be stiled the GOVERNOR OF THE STATE OF NEW HAMPSHIRE, and whose title shall be his Excellency.

[p. 158.] The Governor shall be chosen annually, in the month of March: and the votes for Governor shall be received, sorted, counted, certified, and returned, in the same manner as the votes for Senators; and the Secretary shall lay the same before the Senate and House of Representatives, on the first Wednesday of June, to be by them examined: and in case of an election by a majority of votes through the State, the choice shall be by them declared and published.

And the qualifications of electors of the Governor shall be the same [p. 159.] as those for Senators; and if no person shall have a majority of votes, the Senate and House of Representatives shall, by joint ballot,

elect one of the two persons having the highest number of votes, who shall be declared Governor.

And no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this State for seven years next preceding, and unless he shall be of the age of thirty years, and unless he shall, at the same time, have an estate of the value of five hundred pounds, one half of which shall consist of a freehold, in his own right within this State, and unless he shall be of the Protestant religion.

In cases of disagreement between the two houses, with regard to the time or place of adjournment or prorogation, the Governor, with advice of Council, shall have a right to adjourn or prorogue the General Court, not exceeding ninety days at any one time, as he may determine the public good may require, and he shall dissolve the same seven days before the said first Wednesday of June.

And in case of any infectious distemper prevailing in the place where [p. 160.] the said Court at any time is to convene, or any other cause, whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other the most convenient place within the State.

Every bill which shall have passed both Houses of the General Court, shall, before it become a law, be presented to the Governor, if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it; if, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with such objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons, voting for or against the bill, shall be entered on the Journal of each house respectively. If any bill shall not be returned by the Governor, within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, [p. 161.] prevent its return, in which case it shall not be a law.

Every resolve shall be presented to the Governor, and, before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

All judicial officers, the Attorney General, Solicitors, all Sheriffs, Coroners, Registers of Probate, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the Governor and Council: and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the Council agree thereto. The Governor and Council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the Governor and Council, and every negative shall be also signed by the Governor or Council who made the same.

The Captains and Subalterns, in the respective regiments, shall be nominated and recommended by the field officers, to the Governor, who is to issue their commissions immediately on receipt of such recommendation.

[p. 162.] Whenever the chair of the Governor shall become vacant, by reason of his death, absence from the State, or otherwise, the President of the Senate shall, during such vacancy, have and exercise all the powers and authorities, which by this Constitution, the Governor is vested with, when personally present; but when the President of the Senate shall exercise the office of Governor, he shall not hold his office in the Senate.

The Governor, with advice of Council, shall have full power and authority, in the recess of the General Court, to prorogue the same from time to time, not exceeding ninety days, in any one recess of said Court; and during the session of said Court, to adjourn or prorogue it to any time the two Houses may desire, and to call it together sooner than the time to which it may be adjourned, or prorogued, if the welfare of the State should require the same.

The Governor of this State for the time being shall be commander in chief of the army and navy, and all the military forces of the State, by sea and land: and shall have full power by himself, or by any chief commander, or other officer, or officers, from time to time, to train, [p. 163.] instruct, exercise and govern the militia and navy; and for the special defence and safety of this State, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, expulse, repel, resist and pursue by force of arms, as well by sea as by land, within and without the limits of this State; and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprize and means, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment or annoyance of this State; and to use and exercise over the army and navy, and over the militia in actual service, the law-martial in time of war, invasion, and also in rebellion, declared by the Legislature to exist, as occasion shall necessarily require: And surprize, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying this State: And in fine, the Governor hereby is entrusted with all other powers incident to the office of Captain-General and Commander in Chief, and Admiral, to be exercised agreeably to the rules and regulations of the [p. 164.] Constitution, and the laws of the land: Provided, that the Governor shall not, at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted to him by the Legislature, transport any of the inhabitants of this State, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the General Court, nor grant commissions for exercising the law martial in any case, without the advice and consent of the Council.

The power of pardoning offences, except such as persons may be convicted of before the Senate, by impeachment of the House, shall be in the Governor, by and with the advice of the Council: But no charter of pardon granted by the Governor, with advice of Council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

No officer duly commissioned to command in the militia shall be re-

moved from his office, but by the address of both Houses to the Gov-
[P. 165.] ernor, or by fair trial in court-martial, pursuant to the laws of the State for the time being.

The commanding officers of the regiments shall appoint their Adjutants and Quarter-Masters: the Brigadiers, their Brigade-Majors; the Major-Generals, their Aids; the Captains and Subalterns, their non-commissioned officers.

The Governor and Council shall appoint all officers of the continental army, whom, by the confederation of the United States, it is provided that this State shall appoint; as also all officers of forts and garrisons.

The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this State, until the same shall be altered by some future law.

No monies shall be issued out of the treasury of this State, and disposed of, (except such sums as may be appropriated for the redemption of bills of credit, or Treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the Governor for the time being, by and with the advice and consent of the Council, for the necessary support and defence of this State, and for the necessary pro-
[P. 166.] tection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

All public boards, the Commissary-General, all superintending officers of public magazines and stores, belonging to this State, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and small arms, with their accoutrements, and of all other public property under their care respectively; distinguishing the quantity and kind of each, as particularly as may be; together with the condition of such forts and garrisons: And the commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors adjacent.

The Governor and Council shall be compensated for their services, from time to time, by such grants as the General Court shall think reasonable.

Permanent and honorable salaries shall be established by law, for the Justices of the Superior Court.

WM. PLUMER
for the Committee.

Which report being read and considered, Voted that it be received & accepted.

[P. 167.] Voted, that when the foregoing amendments shall become a part of the Constitution of this State, the several paragraphs now in the Constitution established 31st of October 1783, under the several heads, SENATE, EXECUTIVE POWER or PRESIDENT, and under the head COUNCIL, be considered as no longer in force.

Voted, That when the Convention adjourns, that it be to

meet again at Concord on the first Wednesday in September next.

Voted That Mr. Walker, Mr. Tinney & Mr. Calfe be a Committee to procure 500 copies of the Amendments agreed on by the Convention, to be sent to the people.

Voted, That the Secretary be desired to make out a copy of the articles and resolves agreed on to be sent out to the people as soon as may be, and employ some person to carry the same to the President for his signature, and to return the same to the Committee appointed to get the articles printed.

Adjourned to the first Wednesday in September next, then to meet at Concord, at 10 o'clock, A. M.

[NOTE.—Agreeably to the abovesaid votes, the foregoing articles (taken from printed copy) were sent out to the people, in form as follows.]

ARTICLES IN ADDITION TO AND AMENDMENT OF THE CONSTITUTION OF THE STATE OF NEW HAMPSHIRE, AGREED TO BY THE CONVENTION OF SAID STATE, & SUBMITTED TO THE PEOPLE THEREOF FOR THEIR APPROBATION.

In CONVENTION held at CONCORD, the last *Wednesday* of *May*, 1792, by *adjournment*.

Whereas upon examining the returns from the several towns and unincorporated places, it appears that under the heads senate, governor *and* council, *many articles are approved by two thirds of the voters; and many are not approved, by reason whereof said amendments are rendered inconsistant, and contradictory: And the convention not having the power to reject what has been approved by the people as aforesaid,*

THEREFORE resolved, That articles be again sent out to be laid before the several towns and unincorporated places, on the *twenty-seventh* day of *August* next, that the whole may be approved or rejected; and that return thereof be made to the convention on the *fifth* day of *September* next. And that the articles which have been already approved by more than two thirds of the voters, and not inconsistant or contradictory, be printed, that it may be known what articles have been ratified by the people.

And whereas, if the articles now sent out are not approved by two thirds of the qualified voters, the last clause in the exclusion bill, which is in the following words, "No member of the council shall have a seat in the senate or house of representatives." will be repugnant to other parts of the constitution—*Therefore resolved*, That an article be sent out for expunging said clause.

ARTICLE.

"No member of the council shall have a seat in the senate or house of representatives" shall be expunged.

SENATE.

The senate shall consist of twelve members, who shall hold their office for one year from the first Wednesday of June next ensuing their election.

And that the State may be equally represented in the senate, the legislature shall, from time to time, divide the state into twelve districts, as nearly equal as may be without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall annually give in their votes for a senator, at some meeting holden in the month of March.

The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upwards, excepting paupers, and persons excused from paying taxes at their own request, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the senator in the district whereof he is a member.

Provided nevertheless, That no person shall be capable of being elected a senator, who is not of the *Protestant religion*, and seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this state, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person, qualified as the constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state, in the town, parish, and plantation, where he dwelleth and hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose, shall be holden annually

in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution.

THE meetings for the choice of governor, council, and senators, shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen, (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and parishes present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen, and of the town clerk, in said meeting, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person: And the town clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the secretary of the state, with a superscription expressing the purport thereof: And the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish shall lie, thirty days at least before the first Wednesday of June; or to the secretary of the state at least twenty days before the said first Wednesday of June: And the sheriff of each county, or his deputy, shall deliver all such certificates by him received, into the secretary's office, at least twenty days before the first Wednesday of June.

AND that there may be a due meeting of senators on the first Wednesday of June annually, the governor, and a majority of the council for the time being, shall, as soon as may be, examine the returned copies of such records, and fourteen days before the first Wednesday of June, he shall issue his summons to such persons as appear to be chosen senators, by a majority of votes, to attend and take their seats on that day.

Provided nevertheless, That for the first year the said returned copies shall be examined by the president, and a majority of the council then in office; and the said president shall, in like manner, notify the persons elected, to attend and take their seats accordingly.

AND in case there shall not appear to be a senator elected, by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz. The members of the house of representatives, and such senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot, the senator wanted for such district; and in this manner all such vacancies shall be filled up, in every district of the state; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied, as soon as may be after such vacancies happen.

THE senate shall be final judges of the elections, returns, and qualifications, of their own members, as pointed out in this constitution.

THE senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day, or at such place.

THE senate shall appoint their president, and other officers, and determine their own rules of proceedings: And not less than seven mem-

bers of the senate shall make a quorum for doing business; and when less than eight senators shall be present, the assent of five, at least, shall be necessary, to render their acts and proceedings valid.

THE senate shall be a court, with full power and authority to hear, try, and determine, all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, mal-practice, or mal-administration, in office; with full power to issue summons, or compulsory process, for convening witnesses before them: But previous to the trial of any such impeachment, the members of the senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, mal-practice, or mal-administration, in office, shall be served with an attested copy of the impeachment, and order of senate thereon, with such citation as the senate may direct, setting forth the time and place of their setting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence, by himself and counsel, & may also, upon his refusing or neglecting to appear hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit, under this state: but the party, so convicted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

WHENEVER the Governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the senate, but have no vote therein.

EXECUTIVE POWER.

GOVERNOR.

THERE shall be a Supreme Executive Magistrate, who shall be styled the Governor of the State of New Hampshire, and whose title shall be HIS EXCELLENCY.

THE Governor shall be chosen annually, in the month of *March*; and the votes for Governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives, on the first Wednesday of June, to be by them examined, & in case of an election by a majority of votes thro' the state, the choice shall be by them declared and published.

AND the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a majority of votes, the senate and house of representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared governor.

And no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years, and unless he shall, at the same time have an estate of the value of five hundred pounds, one half of which shall consist of a freehold, in his own right, within this state, and unless he shall be of the protestant religion.

In cases of disagreement between the two houses, with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days at any one time, as he may determine the public good may require, and he shall dissolve the same seven days before the said first Wednesday of June.

And, in case of any infectious distemper prevailing in the place where the said court at any time is to convene, or any other cause, whereby dangers may arise to the health or lives of the members from their attendance, the governor may direct the session to be holden at some other the most convenient place within the state.

Every bill which shall have passed both houses of the general court, shall, before it become a law, be presented to the governor, if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons, voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

Every resolve shall be presented to the governor, and, before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

All judicial officers, the attorney-general, solicitors, all sheriffs, coroners, registers of probate, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment: and no appointment shall take place, unless a majority of the council agree thereto. The governor and council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the governor and council, and every negative shall be also signed by the governor or council who made the same.

The captains and subalterns, in the respective regiments, shall be nominated and recommended by the field officers to the governor who is to issue their commissions immediately on receipt of such recommendation.

Whenever the chair of the Governor shall become vacant, by reason of his death, absence from the state, or otherwise, the president of

the senate shall during such vacancy, have and exercise all the powers and authorities which, by this constitution the governor is vested with, when personally present; but when the president of the senate shall exercise the office of governor, he shall not hold his office in the senate.

THE governor, with advice of council, shall have full power and authority, in the recess of the general court, to prorogue the same from time to time, not exceeding ninety days, in any one recess of said court; and during the session of said court, to adjourn or prorogue it to any time the two houses may desire, and to call it together sooner than the time to which it may be adjourned, or prorogued, if the welfare of the state should require the same.

The governor of this state for the time being shall be commander in chief of the army and navy, and all the military forces of the state, by sea and land; and shall have full power by himself, or by any chief commander, or other officer, or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and for the special defence and safety of this state, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repulse, repel, resist and pursue by force of arms, as well by sea as by land, within and without the limits of this state; and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprize and means, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment or annoyance of this state; and to use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion, declared by the legislature to exist, as occasion shall necessarily require: And surprize, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering or annoying this state: and in fine, the governor hereby is entrusted with all other powers incident to the office of captain-general and commander in chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land: Provided, that the Governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this state, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court, nor grant commissions for exercising the law martial in any case, without the advice and consent of the council.

THE power of pardoning offences, except such as persons may be convicted of before the senate, by impeachment of the house, shall be in the Governor, by and with the advice of the council: But no charter of pardon granted by the Governor, with advice of council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

NO officer duly commissioned to command in the militia shall be removed from his office, but by the address of both houses to the Governor, or by fair trial in court-martial, pursuant to the laws of the State for the time being.

THE commanding officers of the regiments shall appoint their Adjutants and Quarter-masters; the Brigadiers, their Brigade-Majors; the Major Generals, their Aids; the Captains and Subalterns, their non-commissioned officers.

THE Governor and council shall appoint all officers of the continental army, whom, by the confederation of the United States, it is provided that this State shall appoint; as also all officers of forts and garrisons.

The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this state, until the same shall be altered by some future law.

NO monies shall be issued out of the treasury of this state, and disposed of, (except such sums as may be appropriated for the redemption of bills of credit, or Treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the Governor for the time being, by and with the advice and consent of the council, for the necessary support and defence of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

ALL public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this state, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages and all small arms, with their accoutrements, and of all other public property under their care respectively; distinguishing the quantity and kind of each, as particularly as may be; together with the condition of such forts and garrisons: and the commanding officer shall exhibit to the governor, when required by him true and exact plans of such forts, and of the land and sea, or harbor or harbors adjacent.

THE Governor and council shall be compensated for their services, from time to time, by such grants as the general court shall think reasonable.

PERMANENT and honorable salaries shall be established by law, for the Justices of the Superior Court.

COUNCIL.

THERE shall be annually elected, by ballot, five councillors, for advising the governor in the executive part of government. The freeholders and other inhabitants in each county, qualified to vote for senators, shall some time in the month of March, give in their votes for one councillor; which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the senate and house of representatives on the first Wednesday of June.

AND the person having a majority of votes in any county, shall be considered as duly elected a councillor: But if no person shall have a majority of votes in any county, the senate and house of representatives shall take the names of the two persons who have the highest number of votes in each county, and not elected, and out of those two shall

elect by joint ballot, the councillor wanted for such county, and the qualifications for councillors shall be the same as for senators.

If any person thus chosen a councillor, shall be elected governor, or member of either branch of the legislature, & shall accept the trust: or if any person elected a councillor, shall refuse to accept the office; or in case of the death, resignation, or removal of any councillor out of the state: the Governor may issue a precept for the election of a new councillor in that county where such vacancy shall happen; and the choice shall be in the same manner as before directed: And the Governor shall have full power and authority to convene the council, from time to time, at his discretion; and, with them, or the majority of them, may, and shall, from time to time, hold a council, for ordering and directing the affairs of the state, according to the laws of the land.

The members of the council may be impeached by the house, and tried by the senate, for bribery, corruption, mal-practice, or mal-administration.

The resolutions and advice of the council shall be recorded by the secretary, in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time, by either house of the legislature; and any member of the council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

The legislature may, if the public good shall hereafter require it, divide the state into five districts, as nearly equal as may be, governing themselves by the number of rateable polls, and proportion of public taxes; each district to elect a councillor: And, in case of such division, the manner of the choice shall be comformable to the present mode of election in counties.

And whereas the elections, appointed to be made by this constitution, on the first Wednesday of June annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same be completed: and the order of the elections shall be as follows—the vacancies in the senate, if any, shall be first filled up: The governor shall then be elected, provided there shall be no choice of him by the people: And afterwards, the two houses shall proceed to fill up the vacancy, if any, in the council.

When the foregoing amendments shall become a part of the constitution of this state the several paragraphs now in the constitution, established the thirty first day of October 1783, under the several heads, Senate, Executive Power, or President; and under the head Council, be considered as no longer in force.

In convention, voted, that the amendments now to be sent out, be printed with the following certificate at the end, viz.

I ——— ——— town clerk of ——— do certify, that at a legal meeting duly warned and held in the town of ——— in the county of ——— this —— day of ——— anno domini 1792, for the purpose of considering the foregoing amendments, to the constitution of the state of New Hampshire, as agreed upon in convention; that there were ——— voters present who voted for the amendments, and ——— voters present who voted against the amendments.

Attest: ——— ——— *Town Clerk.*

In Convention resolved, that the following articles of amendments being approved by the people, are so unconnected with other articles, that there is no necessity for again submitting them to the people, to be voted upon, viz. The 2. 3. 4. 6. 7. 9. 10. 26. 27. 28. 39. 49. 50. 51. 52. 53. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. but that said articles be printed, that the people may be informed what is already ratified.

II.

That the word assembly, be expunged, and the word legislature inserted.

III.

That the words "*those of*" be expunged, and the word "*dye*" be expunged, and the word "*offences*" inserted.

IV.

Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers and all his possessions —therefore all warrants to search suspected places, or arrest a person for examination, or trial in prosecutions for criminal matters, are contrary to this right if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in a warrant to a civil officer to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search or seizure: and no warrant ought to be issued but in case, and with the formalities prescribed by law.

VI.

The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require.

VII.

It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit, it is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their office so long as they behave well; subject however to such limitations on account of age as may be provided by the constitution of the state, and that they should have honorable salaries ascertained and established by standing laws.

IX.

No member of the general court shall take fees, be of council, or act as advocate in any cause before either branch of the legislature, and upon due proof thereof, such member shall forfeit his seat in the legislature.

X.

The doors of the galleries of each house of the legislature, shall be kept open to all persons who behave decently, except when the welfare of the state in the opinion of either branch shall require secrecy.

XXVI.

THE members of both houses of the legislature shall be compensated for their services out of the treasury of the state, by a law made for that purpose, such members attending seasonably, and not departing without licence.

ALL intermediate vacancies in the house of representatives may be filled up from time to time, as the annual elections are made.

XXVII.

THE house of representatives shall be judge of the returns, elections, and qualifications of its members; as pointed out in this constitution.

XXVIII.

THE journals of the proceedings, and all public acts of both houses of the legislature shall be printed and published immediately after every adjournment or prorogation: And upon motion made by any one member the yeas and nays upon any question shall be entered on the journals; and any member of the senate or house of representatives shall have a right on motion made at the time for that purpose to have his protest or dissent with the reasons against any vote, resolve or bill passed, entered on the journals.

XXXIX.

THE several paragraphs under the head President in the constitution shall be altered by expunging the word President, and inserting the word Governor in lieu thereof.

XLIX.

THE Secretary of the State shall at all times have a deputy to be by him appointed, for whose conduct in office he shall be responsible, and in case of death, removal or inability of the Secretary, his deputy shall exercise all the duties of the office of Secretary of this state, until another shall be appointed.

L.

THE Secretary before he enters upon the business of his office, shall give bond with sufficient sureties in a reasonable sum, for the use of the state, for the punctual performance of his trust.

LI.

THE county treasurer and register of deeds shall be elected by the inhabitants of the several towns in the several counties in the state, according to the method now practiced, and the laws of the state: provided nevertheless, the legislature shall have authority to alter the manner of certifying the votes & the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them.

LII.

AND the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds if to them it shall appear necessary, each district to elect a register of deeds.

LIII.

THE county treasurer and register of deeds before they enter upon the business of their offices shall be respectively sworn faithfully to discharge the duties thereof, and severally give bond with sufficient sureties in a reasonable sum for the use of the county or district, for the punctual performance of their respective trusts.

LVIII.

THE general court are impowered to give to justices of the peace jurisdiction in civil causes where the damages demanded shall not exceed four pounds, and title of real estate is not concerned, but with right of appeal to either party to some other court, so that a trial by jury in the last resort may be had.

LIX.

NO PERSON shall hold the office of judge of any court, or judge of probate, or sheriff of any county after he has attained the age of seventy years.

LX.

NO JUDGE of any court, or justice of the peace shall act as attorney, or be of counsel to any party, or originate any civil suit in matters which shall come or be brought before him as a judge or justice of the peace.

LXI.

ALL matters relating to the probate of wills, and granting of letters of administration shall be exercised by the judges of probate in such manner as the legislature have directed, or may hereafter direct. And the judges of probate shall hold their courts at such place or places on such fixed days as the conveniency of the people may require, and the legislature from time to time appoint.

LXII.

NO JUDGE or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel in any probate business which is pending or may be brought into any court of probate in the county of which he is judge or register.

LXIII.

THAT the paragraphs under the head of clerks of courts, in the constitution, be expunged, and the following substituted.

LXIV.

THE judges of the courts, those of the probate excepted, shall appoint their respective clerks, to hold their office during pleasure, and no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

LXV.

THAT the paragraphs in the constitution under the head Delegates to Congress be expunged.

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LXVI.

THE oath of allegiance in the constitution shall be expunged and the following substituted in lieu thereof, viz.

I A. B. do solemnly swear, that I will bear faith and true allegiance to the State of New Hampshire, and will support the constitution thereof. So help me God.

LXVII.

ANY person having taken and subscribed the oath of allegiance shall not be obliged to take said oath again.

LXVIII.

AND the oaths or affirmations shall be taken and subscribed by the Governor before the President of the senate in presence of both houses of the legislature, and by the senators and representatives first elected under this constitution as amended and altered, before the President of the state, and a majority of the council then in office, and forever afterwards before the Governor and council for the time being, and by all other officers, before such persons, and in such manner as the legislature shall from time to time appoint.

LXIX.

THAT the fifteenth paragraph in the constitution, under the head Oaths, Subscriptions, &c. be expunged and the following substituted in lieu thereof.

LXX.

NO person holding the office of judge of any court (except special judges) Secretary, Treasurer of the state, attorney general, commissary general, military officers, receiving pay from the Continent or this state excepting officers of the militia, occasionally called forth on an emergency, Register of deeds, sheriff or officer of the customs, including naval officers, Collectors of excise, and state and continental taxes hereafter appointed and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of Congress, or any person holding an office under the United States, shall at the same time hold the office of Governor, or have a seat in the senate or house of representatives or council, but his being chosen and appointed to and accepting the same shall operate as a resignation of his seat in the chair, senate, or house of representatives or council, and the place so vacated shall be filled up. No member of the council shall have a seat in the senate or of house of representatives.

LXXI.

To the end that there may be no failure of justice, or danger to the state by the alterations and amendments made in the constitution, the general court is hereby fully authorized and directed to fix the time when the amendments and alterations shall take effect; and make the necessary arrangements accordingly.

THAT the last paragraph in the constitution be expunged, and the following substituted in lieu thereof, viz.

LXXII.

It shall be the duty of the selectmen and assessors of the several towns and places in this state, in warning the first annual meeting for the choice of senators, after the expiration of seven years from the adoption of this constitution, as amended to insert expressly in the warrant, this purpose among the others, for the meeting, to wit: to take the sense of the qualified voters on the subject of a revision of the constitution. And the meeting being warned accordingly and not otherwise, the moderator shall take the sense of the qualified voters present, as to the necessity of a revision, and a return of the number of votes for, and against such necessity, shall be made by the clerk, sealed up and directed to the general court at their then next session. And if it shall appear to the general court by such returns, that the sense of the people of the state has been taken and that in the opinion of the majority of the qualified voters, in the state present, and voting at said meetings, there is a necessity for a revision of the constitution; it shall be the duty of the general court to call a convention for that purpose, otherwise the general court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned.

The delegates to be chosen in the same manner, and proportioned as the representatives to the general court; provided, that no alterations shall be made in this constitution, before the same shall be laid before the towns and unincorporated places; and approved by two thirds of the qualified voters present, and voting on the subject.—And the same method of taking the sense of the people, as to the revision of the constitution, and calling a convention for that purpose; shall be observed afterwards at the expiration of every seven years.

SAMUEL LIVERMORE, *President*.

Attest: JOHN CALFE, *Secretary*.

[P. 168.] Wednesday, Sept^{r} 5th 1792.

Convention met according to adjournment.

Voted, That Mr. Newcomb, Mr. Plummer and Mr. Foster be a Committee to examine the returns from the several Towns and places in this State, and make report thereon.

Adjourned to 9 o'clock to-morrow morning.

Thursday, Sept^{r} 6th, 1792.

Convention met according to adjournment.

The Committee appointed to examine the returns from the several Towns and places in the State, of the votes for and against the amendments to the Constitution, REPORT,

That they find the whole number of votes returned to be three thousand and one hundred—of which, two thousand one hundred and twenty two are for said Amendments, and nine hundred and seventy eight against them;—by which it appears that said Amendments are accepted by more than two thirds of the voters who voted thereon.

Sign'd DAN^{L}. NEWCOMB, for Committee.

Which report was read & considered, rec^{d} and accepted.

[P. 169.] The returns from the several Towns in this State for and against the proposed amendments, were as follows, (viz.)

COUNTY OF ROCKINGHAM.

Names of Towns.	Votes for.	Ags't.	Names of Towns.	Votes for.	Ags't.
Allenstown,	....	....	Newington,	12	2
Atkinson,	0	7	New Market,	....	....
Bow,	....	....	New Castle,	....	....
Brentwood,	0	33	Newtown,	....	....
Candia,	5	0	Northfield,	....	....
Canterbury,	53	0	North Hampton,	22	0
Chester,	6	27	Northwood,	18	3
Chichester,	....	....	Nottingham,	41	0
Concord,	12	64	Pelham,	0	20
Deerfield,	19	9	[P. 170.] Pembroke,	16	2
East Kingston,	....	....	Plastow,	....	....
Epping,	2	98	Poplin,	0	14
Epsom,	31	0	Portsmouth,	32	0
Exeter,	0	59	Pittsfield,	....	....
Greenland,	16	0	Raymond,	0	28
Hampstead,	30	4	Rye,	19	2
Hampton,	0	25	Salem,	9	1
Hawke,	....	....	Sandown,	5	13
Hampton-Falls,	0	10	Seabrook,	11	2
Kensington,	41	0	South Hampton,	....	....
Kingstown,	5	0	Stratham,	1	33
Londonderry,	50	0	Windham,	4	0
Loudon,	38	14			

COUNTY OF STRAFFORD.

Barnstead,	11	2	Middletown,	....	....
Barrington,	31	0	[P. 171.] Moultonboro',	16	0
Conway,	63	0	New Durham,	14	0
Dover,	24	43	New Durham Gore,	....	....
Durham,	29	0	New Hampton,	9	2
Eaton,	18	2	Ossippee,	....	....
Effingham,	....	....	Rochester,	14	0
Gilmantown,	41	6	Sanbornton,	30	0
Lee,	10	1	Sandwich,	21	0
Locations,	....	....	Sommersworth,	14	1
S. Stark,	....	....	Tamworth,	....	....
A. Stark,	....	....	Tuftonborough,	....	....
Hugh Sterling,	....	....	Wakefield,	18	0
Madbury,	....	....	Wolfborough,	....	....
Merrideth,	25	1			

COUNTY OF HILLSBOROUGH.

Towns	For	Ag'st.	Towns	For	Ag'st.
Amherst,	33	0	[p.172.] Keasearge Gore,	....	....
Andover,	....	....	Litchfield,	20	0
Antrim,	8	0	Lyndeborough,	31	1
Bedford,	34	0	Mason,	30	0
Boscawen,	....	....	Merrimac,	....	....
Bradford,	34	0	New Boston,	26	2
Campbell's Gore,	....	....	New Ipswich,	49	1
Dearing,	....	....	New London,	1	28
Derryfield,	....	....	Nottingham West,	0	21
Dunbarton,	....	....	Peterborough,	....	....
Dunstable,	....	....	Salisbury,	4	8
Duxbury,	....	....	Society Land,	....	....
Fishersfield,	....	....	Sutton,	....	....
Francestown,	39	0	Temple,	0	61
Goffstown,	11	2	Warner,	2	14
Hancock,	7	4	Weare,	10	1
Hinnekar,	7	5	Wilton,	37	0
Hillsborough,	16	0	Greenfield,	0	30
Holles,	55	0	Sharon,	0	22
Hopkintown,	0	22	Raby,	....	....

COUNTY OF CHESHIRE.

Acworth,	19	0	New Grantham,	....	....
Alstead,	21	0	Newport,	14	0
Charlestown,	15	10	Packersfield,	17	1
Chesterfield,	20	4	Plainfield,	11	0
Claremont,	35	0	Protectworth,	....	....
Cornish,	12	0	Richmond,	28	0
Croydon,	....	....	Rindge,	39	0
Dublin,	22	0	Stoddard,	12	3
Fitz William,	0	37	Surry,	....	....
Gilsom,	....	....	Sullivan,	19	0
Hinsdale,	....	....	Swanzey,	32	2
Jaffrey,	4	20	Unity,	0	7
[p. 173.] Keene,	90	0	Walpole,	41	0
Langdon,	16	6	Washington,	11	19
Lempster,	0	11	Wendall,	....	....
Marlborough,	26	0	Westmoreland,	54	0
Marlow,	....	....	Winchester,	17	0
			Goshen,	0	19

COUNTY OF GRAFTON.

Alexandria,	0	17	Canaan,	14	0
Bath,	....	....	Cardigan [crossed],	....	....
Bridgewater,	0	17	Cockburne,	....	....
Cambridge,	....	....	Coleburne,	....	....
Campton,	0	20	Coventry,	....	....

COUNTY OF GRAFTON *(Continued)*.

Towns.	For.	Ags't.	Towns.	For.	Ags't.
Dalton,	....	....	Lyme,	21	0
Dartmouth,	....	....	New Holderness,	6	0
[P. 174.] Dorchester,	....	....	Northumberland,	....	....
Enfield,	11	3	Orford,	....	....
Franconia,	....	....	Piermont,	....	....
Grafton,	6	0	Plymouth,	11	15
Gunthwait,	0	18	Rumney,	37	2
Hanover,	8	1	Shelburne,	....	....
Haverhill,	....	....	Thornton,	....	....
Lancaster,	....	....	Warren,	....	....
Landaff,	22	2	Wentworth,	10	0
Lebanon,	54	0	Burton,	....	....
Lincoln,	....	....	Orange,	7	0
Littleton,	....	....	New Chester,	....	....
Lyman,	....	....			
			[Total]	2122	978

[P. 175.] Voted That Mr. Newcomb, Mr. Plummer & Mr. E. S. Livermore, be a Committee to report to the Convention a true copy of the Constitution as revised and agreed to by the people.

Adjourned to 3 o'clock, P. M. Met accordingly.

The Committee appointed to report to the Convention a true copy of the Constitution as revised and agreed to by the people, reported the following [see p. 169] :

[P. 239.] Which Report [of a true copy of the Constitution] being read and considered, was received and accepted ; —and the following vote passed.

[P. 240.] In Convention held at Concord the fifth day of September Anno Domini 1792, The returns from the several Towns and unincorporated places being examined, and it appearing that the foregoing Bill of Rights and form of government as amended by the Convention, were approved by more than two thirds of the qualified voters present in town meetings and voting upon the question ;—*the same are agreed on and established by the Delegates of the people in Convention, and declared to be the Civil Constitution of the State of New Hampshire.*

[P. 241.] Voted That Mr. Walker and Mr. E. S. Livermore be a Committee to procure five hundred copies of the Constitution to be printed, and that each member of the Con-

vention and of the present Legislature, be furnished with a copy, and that one copy be sent to each town, and that said Committee procure the Constitution to be enrolled on Parchment, to be signed by the President of the Convention and Secretary, and transmitted to the Secretary of the State to be by him deposited in the Secretary's office.

Voted, That the Secretary be directed to certify to his Excellency the President of the State, the number of days that the Rev. Mr. Evans attended the Convention as chaplain, and inform him that it is the desire of Convention that he be compensated therefor out of the Treasury of this State.

THE CONVENTION THEN DISSOLVED.

THE CONSTITUTION OF

NEW HAMPSHIRE AS AGREED AND AMENDED BY A CONVENTION OF DELEGATES HELD AT CONCORD IN SAID STATE, AND APPROVED BY THE PEOPLE, AND ESTABLISHED BY THE CONVENTION ON THE FIRST WEDNESDAY OF SEPTEMBER, 1792.

PART FIRST.

BILL OF RIGHTS.

ARTICLE I. ALL men are born equally free and independent; therefore all government of right originates from the people, is founded in consent, and instituted for the general good.

II. All men have certain natural, essential and inherent rights—among which are the enjoying and defending life and liberty, acquiring, possessing and protecting property; and in a word, of seeking and obtaining happiness.

III. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and without such an equivalent, the surrender is void.

IV. Among the natural rights, some are in their very nature unalienable; because no equivalent can be given or received for them; of this kind are the *rights of conscience.*

V. Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience and reason; and no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion; provided he doth not disturb the publick peace, or disturb others in their religious worship.

VI. As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay, in the hearts of men, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society, by the institution of the publick worship of the Deity, and of publick instruction in morality and religion; therefore, to promote these important purposes, the people of this state have a right to empower, and do hereby fully empower the legislature, to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies, within this state, to make adequate provision, at their own expense, for the support and maintenance of publick Protestant teachers of piety, religion and morality.

Provided notwithstanding, That the several towns, parishes, bodies corporate, or religious societies, shall at all times have the exclusive right of electing their own publick teachers, and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination, shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect or denomination.

And every denomination of christians, demeaning themselves quietly, and as good subjects of the state, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another, shall ever be established by law.

And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain, and be in the same state as if this constitution had not been made.

VII. The people of this state have the sole and exclusive right of governing themselves as a free, sovereign and independent state; and do, and forever hereafter shall exercise and enjoy every power, jurisdiction and right, pertaining thereto, which is not, or may not hereafter be by them expressly delegated to the United States of America in congress assembled.

VIII. All power residing originally in, and being derived from the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

IX. No office or place whatsoever in government, shall be hereditary—the abilities and integrity requisite in all, not being transmissible to posterity or relations.

X. Government being instituted for the common benefit, protection and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men ; therefore, whenever the ends of government are perverted, and publick liberty manifestly endangered, and all other means of redress are ineffectual, the people may and of right ought to reform the old, or establish a new government. The doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

XI. All elections ought to be free, and every inhabitant of the state, having the proper qualifications, has equal right to elect and be elected into office.

XII. Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty and property ; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary, or an equivalent. But no part of a man's property shall be taken from him, or applied to publick uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this state controlable by any other laws than those to which they, or their representative body, have given their consent.

XIII. No person, who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent.

XIV. Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it ; completely and without any denial ; promptly and without delay, conformably to the laws.

XV. No subject shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally described to him ; or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favourable to

himself; to meet the witnesses against him, face to face; and to be fully heard in his defence, by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

XVI. No subject shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the legislature make any law that shall subject any person to a capital punishment, (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

XVII. In criminal prosecutions, the trial of facts, in the vicinity where they happen, is so essential to the security of the life, liberty, and estate of the citizen, that no crime or offence ought be tried in any other county than that in which it is committed; except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior court, that an impartial trial cannot be had in the county where the offence may be committed, and upon their report, the legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

XVIII. All penalties ought to be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason; where the same undistinguishing severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences: for the same reason a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishments being to reform, not to exterminate mankind.

XIX. Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not

previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued, but in cases, and with the formalities, prescribed by law.

XX. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has been heretofore otherwise used and practised, the parties have a right to a trial by jury, and this method of procedure shall be held sacred, unless, in cases arising on the high seas and such as relate to mariners' wages, the legislature shall think it necessary hereafter to alter it.

XXI. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken, that none but qualified persons should be appointed to serve; and such ought to be* fully compensated for their travel, time and attendance.

XXII. The Liberty of the Press is essential to the security of freedom in a state: it ought therefore to be inviolably preserved.

XXIII. Retrospective laws are highly injurious, oppressive and unjust. No such laws therefore should be made, either for the decision of civil causes, or the punishment of offences.

XXIV. A well regulated militia is the proper, natural and sure defence of a state.

XXV. Standing armies are dangerous to liberty, and ought not to be raised, or kept up without the consent of the legislature.

XXVI. In all cases and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

XXVII. No soldier in time of peace, shall be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

* *Be* is omitted in the original.

XXVIII. No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body.

XXIX. The power of suspending the laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

XXX. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution, in any other court or place whatsoever.

XXXI. The legislature shall assemble for the redress of publick grievances, and for making such laws as the publick good may require.

XXXII. The people have a right in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

XXXIII. No magistrate, or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXXIV. No person can in any case be subjected to lawmartial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXXV. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations on account of age, as may be provided by the constitution of the state:

and that they should have honorable salaries ascertained and established by standing laws.

XXXVI. Economy being a most essential virtue in all states, especially in a young one; no pension shall be granted, but in consideration of actual services; and such pensions ought to be granted with great caution by the legislature, and never for more than one year at a time.

XXXVII. In the government of this state, the three essential powers thereof, to wit, the legislative, executive and judicial, ought to be kept as separate from, and independent of each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

XXXVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought therefore to have a particular regard to all those principles in the choice of their officers and representatives: and they have a right to require of their law-givers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government.

PART SECOND.

FORM OF GOVERNMENT.

THE people inhabiting the territory formerly called the Province of New-Hampshire, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body-politic, or state, by the name of the *State of New-Hampshire.*

GENERAL COURT.

The supreme legislative power, within this state, shall be vested in the senate and house of representatives, each of which shall have a negative on the other.

The senate and house shall assemble every year on the first Wednesday of June, and at such other times as they may judge necessary; and shall dissolve, and be dissolved seven days next preceding the said first Wednesday of June; and shall be stiled *the General Court of New-Hampshire*.

The general court shall forever have full power and authority to erect and constitute judicatories, and courts of record, or other courts, to be holden in the name of the state, for the hearing, trying and determining all manner of crimes, offences, pleas, processes, plaints, actions, causes, matters and things whatsoever, arising or happening within this state, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the crimes be capital, or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and issuing execution thereon. To which courts and judicatories, are hereby given and granted, full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within this state; such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments and other punishments; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and residents

within, the said state; and upon all estates within the same; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be in force within the same.

And while the publick charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has heretofore been practised; in order that such assessments may be made with equality, there shall be a valuation of the estates within the state taken anew once in every five years at least, and as much oftener as the general court shall order.

No member of the general court shall take fees, be of council, or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature.

The doors of the galleries, of each house of the legislature, shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.

HOUSE OF REPRESENTATIVES.

There shall be, in the legislature of this state, a representation of the people, annually elected and founded upon principles of equality: and in order that such representation may be as equal as circumstances will admit, every town, parish, or place entitled to town privileges, having one hundred and fifty rateable male polls, of twenty-one years of age and upwards, may elect one representative; if four hundred and fifty rateable polls, may elect two representatives; and so proceeding in that proportion, making three hundred such rateable polls the mean increasing number, for every additional representative.

Such towns, parishes, or places, as have less than one hundred and fifty rateable polls, shall be classed by the general court for the purpose of choosing a representative, and seasonably notified thereof. And in every class, formed for the abovementioned purpose, the first annual meeting shall be

held in the town, parish, or place, wherein most of the rateable polls reside; and afterwards in that which has the next highest number; and so on annually by rotation, through the several towns, parishes, or places, forming the district.

Whenever any town, parish, or place, entitled to town privileges as aforesaid, shall not have one hundred and fifty rateable polls, and be so situated as to render the classing thereof with any other town, parish or place, very inconvenient, the general court may, upon application of a majority of the voters in such town, parish, or place, issue a writ for their electing and sending a representative to the general court.

The members of the house of representatives shall be chosen annually in the month of March, and shall be the second branch of the legislature.

All persons qualified to vote in the election of senators, shall be entitled to vote within the district where they dwell, in the choice of representatives. Every member of the house of representatives shall be chosen by ballot; and for two years at least, next preceding his election, shall have been an inhabitant of this state; shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one half of which to be a freehold, wherof he is seized in his own right; shall be at the time of his election an inhabitant of the town, parish or place he may be chosen to represent, shall be of the protestant religion, and shall cease to represent such town, parish or place, immediately on his ceasing to be qualified as aforesaid.

The members of both houses of the legislature shall be compensated for their services out of the treasury of the state, by a law made for that purpose; such members attending seasonably, and not departing without license. All intermediate vacancies in the house of representatives, may be filled up from time to time, in the same manner as annual elections are made.

The house of representatives shall be the grand inquest of the state; and all impeachments made by them, shall be heard and tried by the senate.

All money bills shall originate in the house of representatives; but the senate may propose, or concur with amendments, as on other bills.

The house of representatives shall have power to adjourn themselves, but no longer than two days at a time.

A majority of the members of the house of representatives shall be a quorum for doing business; but when less than two thirds of the representatives elected shall be present, the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

No member of the house of representatives or senate, shall be arrested or held to bail on mean process, during his going to, returning from, or attendance upon the court.

The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house; and shall be judge of the returns, elections, and qualifications of its members, as pointed out in this constitution. They shall have authority to punish by imprisonment, every person who shall be guilty of disrespect to the house in its presence, by any disorderly and contemptuous behaviour, or by threatening or ill treating any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrest for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness or other person, ordered to attend, by, and during his attendance upon* the house; or in rescuing any person arrested by order of the house, knowing them to be such.—The senate, governor and council, shall have the same powers in like cases: provided, that no imprisonment by either, for any offence, exceed ten days.

The journals of the proceedings, and all publick acts of both houses of the legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member, the yeas and nays upon any question shall be entered upon the journal: And any member of the senate or house of representatives, shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal.

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* In the original it is attendance *of* the house.

SENATE.

The senate shall consist of twelve members, who shall hold their office for one year from the first Wednesday of June next ensuing their election.

And that the state may be equally represented in the senate, the legislature shall, from time to time, divide the state into twelve districts, as nearly equal as may be without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall annually give in their votes for a senator, at some meeting holden in the month of March.

The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upwards, excepting paupers, and persons excused from paying taxes at their own request, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the senator in the district whereof he is a member.

Provided nevertheless, That no person shall be capable of being elected a senator, who is not of the *protestant religion*, and seized of a freehold estate in his own right, of the value of two hundred pounds, lying within this state, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person, qualified as the constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state, in the town, parish and plantation, where he dwelleth and hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose shall be holden annually in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerk have in their several towns by this constitution.

The meeting for the choice of governor, council, and senators, shall be warned by warrant from the selectmen, and governed by a moderator, who shall in the presence of the selectmen (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and parishes present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen, and of the town clerk in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person; and the town clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up, and directed to the secretary of the state, with a superscription expressing the purport thereof: And the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish shall lie, thirty days at least before the first Wednesday of June, or to the secretary of the state at least twenty days before the said first Wednesday of June: and the sheriff of each county, or his deputy, shall deliver all such certificates, by him received, into the secretary's office, at least twenty days before the first Wednesday of June.

And that there may be a due meeting of senators on the first Wednesday of June annually, the governor, and a majority of the council for the time being, shall as soon as may be, examine the returned copies of such records, and fourteen days before the first Wednesday of June, he shall issue his summons to such persons as appear to be chosen sena-

tors, by a majority of votes, to attend and take their seats on that day.

Provided nevertheless, That for the first year the said returned copies shall be examined by the president, and a majority of the council then in office; and the said president shall in like manner notify the persons elected, to attend and take their seats accordingly.

And in case there shall not appear to be a senator elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz., the members of the house of representatives, and such senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot, the senator wanted for such district; and in this manner all such vacancies shall be filled up in every district of the state, and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies happen.

The senate shall be final judges of the elections, returns and qualifications of their own members, as pointed out in this constitution.

The senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day, or at such place.

The senate shall appoint their president and other officers, and determine their own rules of proceedings: and not less than seven members of the senate shall make a quorum for doing business; and when less than eight senators shall be present, the assent of five at least, shall be necessary to render their acts and proceedings valid.

The senate shall be a court, with full power and authority to hear, try and determine, all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, mal-practice or mal-administration, in office; with full power to issue summons, or compulsory process, for convening witnesses before them: but pre-

vious to the trial of any such impeachment, the members of the senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, mal-practice or mal-administration in office, shall be served with an attested copy of the impeachment, and order of senate thereon, with such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in the hearing of the impeachment, giving the person impeached (if he shall appear) full liberty of producing witnesses and proofs, and of making his defence, by himself and council, and may also, upon his refusing or neglecting to appear, hear the proofs in support of impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgments shall have the same force and effect as if the person impeached had appeared and pleaded in the trial. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit, under this state; but the party so convicted, shall nevertheless be liable to indictment, trial, judgment and punishment, according to the laws of the land.

Whenever the governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the senate, but have no vote therein.

EXECUTIVE POWER.

GOVERNOR.

There shall be a supreme executive magistrate, who shall be stiled the Governor of the State of New-Hampshire, and whose title shall be *His Excellency.*

The governor shall be chosen annually in the month of March; and the votes for governor shall be received, sorted, counted, certified, and returned, in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives, on the first Wednesday of June, to be by them examined, and in case of

an election by a majority of votes through the state, the choice shall be by them declared and published.

And the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a majority of votes, the senate and house of representatives shall by joint ballot elect one of the two persons having the highest number of votes, who shall be declared governor.

And no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years, and unless he shall at the same time have an estate of the value of five hundred pounds, one half of which shall consist of a freehold in his own right within this state, and unless he shall be of the protestant religion.

In cases of disagreement between the two houses with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days at any one time, as he may determine the public good may require, and he shall dissolve the same seven days before the said first Wednesday of June.

And in case of any infectious distemper prevailing in the place where the said court at any time is to convene, or any other cause, whereby dangers may arise to the health or lives of the members from their attendance, the governor may direct the session to be holden at some other the most convenient place within the state.

Every bill which shall have passed both houses of the general court, shall, before it become a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it; if after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons, voting for or against the bill, shall be entered on the journal

of each house respectively. If any bill shall not be returned by the governor, within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

Every resolve shall be presented to the governor, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

All judicial officers, the attorney general, solicitors, all sheriffs, coroners, registers of probate, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the council agree thereto. The governor and council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the governor and council, and every negative shall be also signed by the governor or council, who made the same.

The captains and subalterns in the respective regiments, shall be nominated and recommended by the field officers to the governor, who is to issue their commissions immediately on receipt of such recommendation.

Whenever the chair of the governor shall become vacant, by reason of his death, absence from the state, or otherwise, the president of the senate shall, during such vacancy, have and exercise all the powers and authorities which, by this constitution the governor is vested with, when personally present; but when the president of the senate shall exercise the office of governor, he shall not hold his office in the senate.

The governor, with advice of council, shall have full power and authority in the recess of the general court, to prorogue the same from time to time, not exceeding ninety days in any one recess of said court; and during the sessions of said court, to adjourn or prorogue it to any time the two houses may desire, and to call it together sooner than the

time to which it may be adjourned or prorogued, if the welfare of the state should require the same.

The governor of this state for the time being, shall be commander in chief of the army and navy, and all the military forces of the state, by sea and land; and shall have full power by himself, or by any chief commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and for the special defence and safety of this state, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them to encounter, repulse, repel, resist and pursue by force of arms, as well by sea as by land, within and without the limits of this state; and also to kill, slay, destroy if necessary, and conquer by all fitting ways, enterprise and means, all and every such person and persons as shall at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this state; and to use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion, declared by the legislature to exist as occasion shall necessarily require: and surprise by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering or annoying this state; and in fine, the governor hereby is entrusted with all other powers incident to the office of captain general and commander in chief and admiral, to be exercised agreeably to the rules and regulations of the constitution and the laws of the land: provided, that the governor shall not at any time hereafter, by virtue of any power by this constitution granted or hereafter to be granted to him by the legislature, transport any of the inhabitants of this state, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court, nor grant commissions for exercising the law martial in any case, without the advice and consent of the council.

The power of pardoning offences, except such as persons may be convicted of before the senate by impeachment of the house, shall be in the governor, by and with the advice of the* council: but no charter of pardon granted by the

*The is omitted in the original.

governor with advice of council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

No officer duly commissioned to command in the militia shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the state for the time being.

The commanding officers of the regiments shall appoint their adjutants and quarter-masters; the brigadiers, their brigade-majors; the major-generals, their aids; the captains and subalterns, their non-commissioned officers.

The division of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this state, until the same shall be altered by some future law.

No monies shall be issued out of the treasury of this state and disposed of (except such sums as may be appropriated for the redemption of bills of credit, or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, by and with the advice and consent of the council, for the necessary support and defence of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All publick boards, the commissary-general, all superintending officers of publick magazines and stores belonging to this state, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially and without requisition, and at other times when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and all small arms with their accoutrements, and of all other public property under their care respectively, distinguishing the quantity and kind of each, as particularly as may be, together with the condition of such forts and garrisons; and the commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbour or harbours adjacent.

The governor and council shall be compensated for their services, from time to time, by such grants as the general court shall think reasonable.

Permanent and honorable salaries shall be established by law, for the justices of the superior court.

COUNCIL.

There shall be annually elected by ballot five counsellors, for advising the governor in the executive part of government. The freeholders and other inhabitants in each county, qualified to vote for senators, shall some time in the month of March, give in their votes for one counsellor; which votes shall be received, sorted, counted, certified and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the senate and house of representatives on the first Wednesday of June.

And the person having a majority of votes in any county, shall be considered as duly elected a counsellor; but if no person shall have a majority of votes in any county, the senate and house of representatives shall take the names of the two persons who have the highest number of votes in each county, and not elected, and out of those two, shall elect by joint ballot, the counsellor wanted for such county: and the qualifications for counsellors shall be the same as for senators.

If any person thus chosen a counsellor shall be elected governor or member of either branch of the legislature, and shall accept the trust, or if any person elected a counsellor, shall refuse to accept the office, or in case of the death, resignation, or removal of any counsellor out of the state, the governor may issue a precept for the election of a new counsellor in that county where such vacancy shall happen, and the choice shall be in the same manner as before directed; and the governor shall have full power and authority to convene the council, from time to time, at his discretion; and with them, or the majority of them, may and shall from time to time hold a council for ordering and directing the affairs of the state according to the laws of the land.

The members of the council may be impeached by the house and tried by the senate, for bribery, corruption, malpractice, or mal-administration.

The resolutions and advice of the council shall be recorded by the secretary in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time by either house of the legislature; and any member of the council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

The legislature may, if the publick good shall hereafter require it, divide the state into five districts, as nearly equal as may be, governing themselves by the number of rateable polls and proportion of publick taxes; each district to elect a counsellor: and in case of such division, the manner of the choice shall be conformable to the present mode of election in counties.

And whereas the elections appointed to be made by this constitution on the first Wednesday of June annually by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same be completed; and the order of the elections shall be as follows: the vacancies in the senate (if any) shall be first filled up; the governor shall then be elected, provided there shall be no choice of him by the people; and afterwards the two houses shall proceed to fill up the vacancy (if any) in the council.

SECRETARY, TREASURER, COMMISSARY-GENERAL, &C.

The secretary, treasurer, and commissary-general, shall be chosen by joint ballot of the senators and representatives assembled in one room.

The records of the state shall be kept in the office of the secretary; and he shall attend the governor and council, the senate and representatives, in person or by deputy, as they may require.

The secretary of the state shall at all times have a deputy, to be by him appointed; for whose conduct in office he shall be responsible: and in case of the death, removal, or inability, of the secretary, his deputy shall exercise all the duties of the office of secretary of this state, until another shall be appointed.

The secretary before he enters upon the business of his office, shall give bond with sufficient sureties, in a reasonable

sum, for the use of the state, for the punctual performance of his trust.

COUNTY TREASURER, &C.

The county treasurers and registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in the state, according to the method now practised, and the laws of the State.

Provided nevertheless, The legislature shall have authority to alter the manner of certifying the votes and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary; each district to elect a register of deeds: and before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

JUDICIARY POWER.

The tenure that all commissioned officers shall have by law in their offices, shall be expressed in their respective commissions—all judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behaviour, excepting those concerning whom there is a different provision made in this constitution: *Provided nevertheless*, the governor,* with consent of counsel, may remove them upon the address of both houses of the legislature.

Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the superior court, upon important questions of law and upon solemn occasions.

In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justices of the peace shall become void at the expiration of five years from their

* This was *president* in the original.

respective dates, and upon the expiration of any commission the same may if necessary be renewed, or another person appointed, as shall most conduce to the well being of the state.

All causes of marriage, divorce and alimony, and all appeals from the respective judges of probate, shall be heard and tried by the superior court until the legislature shall by law make other provision.

The general court are empowered to give to justices of the peace, jurisdiction in civil causes, when the damages demanded shall not exceed *four pounds*, and title of real estate is not concerned; but with right of appeal to either party, to some other court, so that a trial by jury in the last resort may be had.

No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.

No judge of any court, or justice of the peace, shall act as attorney, or be of counsel to any party, or originate any civil suit in matters which shall come, or be brought before him as judge, or justice of the peace.

All matters relating to the probate of wills and granting letters of administration, shall be exercised by the judges of probate in such manner as the legislature have directed, or may hereafter direct; and the judges of probate shall hold their courts at such place or places, on such fixed days, as the conveniency of the people may require, and the legislature from time to time appoint.

No judge, or register of probate, shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of probate in the county of which he is judge or register.

CLERKS OF COURT.

The judges of the courts (those of probate excepted) shall appoint their respective clerks, to hold their office during pleasure: and no such clerk shall act as an attorney, or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

ENCOURAGEMENT OF LITERATURE, &c.

Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and publick schools; to encourage private and publick institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, publick and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people.

OATH AND SUBSCRIPTIONS; EXCLUSION FROM OFFICES; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STILE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISION OF THE CONSTITUTION, &c.

Any person chosen governor, counsellor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz.

I, A. B., do solemnly swear, that I will bear faith and true allegiance to the State of New-Hampshire, and will support the constitution thereof. *So help me God.*

I, A. B., do solemnly and sincerely swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities, agreeably to the rules and regulations of this constitution, and the laws of the State of New-Hampshire. *So help me God.*

Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, he shall not be obliged to take said oath again.

Provided always, When any person chosen or appointed as aforesaid, shall be of the denomination called quakers, or

shall be scrupulous of swearing, and shall decline taking the said oaths, such persons shall take and subscribe them, omitting the word *swear*, and likewise the words *so help me God*, subjoining instead thereof, *this I do under the pains and penalties of perjury.*

And the oaths or affirmations shall be taken and subscribed by the governor, before the president of the senate, in presence of both houses of the legislature, and by the senators and representatives first elected under this constitution, as altered and amended, before the president of the state, and a majority of the council then in office, and forever afterwards before the governor and council for the time being; and by all other officers, before such persons and in such manner as the legislature shall from time to time appoint.

All commissions shall be in the name of the State of New-Hampshire, signed by the governor and attested by the secretary, or his deputy, and shall have the great seal of the state affixed thereto.

All writs issuing out of the clerk's office in any of the courts of law, shall be in the name of the State of New-Hampshire; shall be under the seal of the court whence they issue, and bear test of the chief, first, or senior justice of the court; but when such justice shall be interested, then the writ shall bear test of some other justice of the court to which the same shall be returnable; and be signed by the clerk of such court.

All indictments, presentments, and informations, shall conclude, *against the peace and dignity of the state.*

The estates of such persons as may destroy their own lives, shall not for that offence be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way; nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

All the laws which have heretofore been adopted, used and approved, in the province, colony, or State of New-Hampshire, and usually practised on in the courts of law, shall remain and be in full force until altered and repealed by the legislature; such parts thereof only excepted, as are repug-

nant to the rights and liberties contained in this constitution; provided that nothing herein contained, when compared with the 23d article in the bill of rights, shall be construed to affect the laws already made respecting the persons, or estates, of absentees.

The privilege and benefit of the habeas corpus, shall be enjoyed in this state, in the most free, easy, cheap, expeditious, and ample manner, and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a time not exceeding three months.

The enacting stile in making and passing acts, statutes, and laws, shall be—*Be it enacted by the senate and house of representatives, in general court convened.*

No governor, or judge of the supreme judicial court shall hold any office or place under the authority of this state, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the office* of justice of the peace throughout the state; nor shall they hold any place or office, or receive any pension or salary, from any other state, government, or power whatever.

No person shall be capable of exercising at the same time more than one of the following offices within this state, viz. judge of probate, sheriff, register of deeds; and never more than two offices of profit, which may be held by appointment of the governor, or governor and council, or senate and house of representatives, or superior or inferior courts; military offices and offices of justices of the peace excepted.

No person holding the office of judge of any court (except special judges,) secretary, treasurer of the state, attorney-general, commissary-general, military officers receiving pay from the continent of this state (excepting officers of the militia, occasionally called forth on an emergency) register of deeds, sheriff, or officers of the customs, including naval officers, collectors of excise and state and continental taxes, hereafter appointed and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of congress, or any person holding any office under the United States, shall at the same time hold the office of governor, or have a seat in the senate,

* In the original, *offices*.

or house of representatives, or council; but his being chosen and appointed to, and accepting the same, shall operate as a resignation of their seat in the chair, senate, or house of representatives, or council; and the place so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.

No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance, under this government, who in the due course of law has been convicted of bribery or corruption in obtaining an election or appointment.

In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver at six shillings and eight pence per ounce.

To the end that there may be no failure of justice, or danger to the state by the alterations and amendments made in the constitution, the general court is hereby fully authorized and directed to fix the time when the alterations and amendments shall take effect, and make the necessary arrangements accordingly.*

It shall be the duty of the selectmen and assessors, of the several towns and places in this state, in warning the first annual meetings for the choice of senators, after the expiration of seven years from the adoption of this constitution as amended, to insert expressly in the warrant, this purpose among the others for the meeting, to wit, to take the sense of the qualified voters on the subject of a revision of the constitution; and the meeting being warned accordingly (and not otherwise) the moderator shall take the sense of the qualified voters present, as to the necessity of a revision; and a return of the number of votes for and against such necessity, shall be made by the clerk, sealed up and directed to the general court, at their then next session; and if it shall appear to the general court by such return, that the sense of the people of the state has been taken, and that in the opinion of the majority of the qualified voters in the state, present and voting at said meetings, there is a necessity for a revision of the constitution, it shall be the duty of the general court to call a convention for that purpose, otherwise the general court shall direct the sense of the people to be

* See Act of 14th Dec., 1792.

taken, and then proceed in the manner before mentioned. The delegates to be chosen in the same manner, and proportioned as the representatives to the general court; provided that no alterations shall be made in this constitution, before the same shall be laid before the towns and unincorporated places, and approved by two thirds of the qualified voters present and voting on the subject.

And the same methods of taking the sense of the people, as to a revision of the constitution, and calling a convention for that purpose, shall be observed afterwards, at the expiration of every seven years.

This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land: and printed copies thereof shall be prefixed to the books containing the laws of this state, in all future editions thereof.

THE CONTROVERSY

BETWEEN

NEW HAMPSHIRE, NEW YORK, AND VERMONT,

RELATING TO THE

"NEW HAMPSHIRE GRANTS"

(SO CALLED)

FROM 1749 TO 1791;

INCLUDING THE TROUBLES IN BORDER TOWNS ON BOTH SIDES OF THE CONNECTICUT RIVER.

[Pages in the margin correspond with the originals on file, of New Hampshire papers.]

NOTES BY THE EDITOR.

The several papers and documents which follow in this volume, relating to the great controversy in which New Hampshire was involved, with New York and Vermont, through a period of more than forty years, were chiefly copied from a manuscript volume in the office of the Secretary of State, N. H., as they were filed and arranged by the late John Farmer, Esq., under authority of the legislature. The order in which these papers were arranged has ordinarily been followed by the editor. They have never before been published, by authority.* Other official papers and documents, from New York and Vermont, have been introduced, as judged expedient, to elucidate or confirm our own; or to form connecting links in the history, which otherwise might be obscure. The editor has also added notes and marginal references as helpful to readers.

It is well to bear in mind that these papers and documents are *on the New Hampshire side of the controversy*; and that a full, authentic, and complete history of the affair can be gathered only from like papers and documents which belong to the other states involved. The New York documents are mostly published, it is believed, in the Colonial Documentary History of that state—now in our state library—and may be found by reference to the General Index, under the head of "New Hampshire" and "New Hampshire Grants," &c. The Vermont papers are very copious, and may be found in Slade's Vermont State Papers, 1823; in Records of Governor & Council, Ver., vols. I and II; in Coll. of Ver. Hist. Soc., vols. I and II; and in current histories of Vermont, by Samuel Williams, D. D., Hiland Hall, and Benjamin H. Hall.

In order to give distinctness, and to mark the progress of the long controversy in which New Hampshire was involved, in relation to the abovesaid Grants; and also to the troubles and conflicts on border towns lying east and west of Connecticut river, the editor has thought proper to arrange the documents relating to these several matters, as they occurred, under distinct SECTIONS, as in the following pages.

* The late Capt. Wm. F. Goodwin made a copy of these papers, privately, in full or in part, and they were printed in successive numbers of the *Historical Magazine*, 1872, published by Henry B. Dawson, Morrisania, N. Y.—ED.

SECTION I.

Controversy with New York in Relation to Boundaries.

CORRESPONDENCE.

[Copied from Vermont State Papers, by William Slade, jun., 1823, pp. 10–17.]

[Note. The Correspondence at this time between the governors of New Hampshire and New York was had with a view of ascertaining and settling the western line of jurisdiction of the province of New Hampshire.—*J. Farmer.*]

Letter from Gov. Benning Wentworth to the Governor of New York.

Portsmouth, Nov. 17, 1749.

Sir—

I have it in command from his Majesty, to make grants of the unimproved lands within my government, to such of the inhabitants and others as shall apply for grants for the same, as will oblige themselves to settle and improve, agreeable to his Majesty's Instructions.

The war hitherto has prevented me from making so great a progress as I hoped for, on my first appointment; but as there is a prospect of a lasting peace with the Indians, in which your Excellency has had a great share, people are daily applying for grants of land in all quarters of this government, and particularly some for townships to be laid out in the western part thereof, which will fall in the neighborhood of your government. I think it my duty to apprise you thereof, and to transmit to your Excellency the description of New Hampshire, as the King has determined it in the words of my commission; which, after you have considered, I shall be glad you will be pleased to give me your

sentiments in what manner it will affect the grants made by you or preceding Governors; it being my intention to avoid, as much as I can, consistent with his Majesty's instructions, interfering with your government.

In consequence of His Majesty's determination of the boundaries between New Hampshire and Massachusetts, a surveyor and proper chainmen were appointed to run the western line from three miles north of Patucket Falls; and the surveyor, upon oath, has declared that it strikes Hudson's River about eighty poles north of where Mohawk's River comes into Hudson's River, which I presume is north of the city of Albany; for which reason it will be necessary for me to be informed, how far north of Albany the government of New York extends by His Majesty's commission to your Excellency, and how many miles to the eastward of Hudson's River, to the northward of the Massachusetts line, that I may govern myself accordingly. And if, in the execution of the King's commands with respect to the lands, I can oblige any of your Excellency's friends, I am always at your service.—— I am, with the greatest respect, Sir, your Excellency's most obedient humble servant.

B. WENTWORTH.

Minutes of the Council of New York.

Council Chamber, City of New York, April 3d, 1750.

His Excellency communicated to the Board a letter from the Hon. Benning Wentworth, Esq. Governor of New Hampshire, dated the 17th November last, acquainting his Excellency, that he has it in command from his Majesty, to make grants of the unimproved lands in New Hampshire government, and therefore desiring information, how far north of Albany this Province extends, and how many miles to the eastward of Hudson's River, to the northward of the Massachusetts line, that he may govern himself accordingly. Also an extract of his Majesty's letters patent to Governor Wentworth respecting the boundaries of New Hampshire.* And his Excellency having required the advice of the Board thereupon, the council humbly advised his Excellency to acquaint Governor Wentworth, in answer to his said letter, that this province is bounded eastward by

* See Commission of Gov. B. Wentworth, Prov. Pap., Vol. VI, pp. 908, 909.—ED.

Connecticut River; the letters patent from King Charles II. to the Duke of York, expressly granting 'all the lands from the west side of Connecticut River to the east side of Delaware Bay.'

N. B. The above resolve was communicated to Governor Wentworth in a letter, dated April 9th, 1750, by G. Clinton, Governor of New York.*

Letter from Gov. Benning Wentworth to Gov. George Clinton.

Portsmouth, April 25, 1750.

SIR—

I have the honour of your Excellency's letter of the 9th instant before me, in which you are pleased to give me the opinion of his Majesty's Council of your government, that Connecticut River is the eastern boundary of New York government;—which would have been entirely satisfactory to me on the subject of my letter, had not the two charter governments of Connecticut and Massachusetts-Bay extended their bounds many miles to the westward of said river; and it being the opinion of his Majesty's Council of this government, whose advice I am to take on these occasions, that New Hampshire had an equal right to claim the same extent of western boundaries with those charter governments: I had, in consequence of their advice, before your letter came to my hands, granted one township due north of the Massachusetts line, of the contents of six miles square, and by measurement twenty-four miles east of the city of Albany; presuming that this government was bounded by the same north and south line with Connecticut and the Massachusetts-Bay, before it met with his Majesty's other governments. Although I am prohibited by his Majesty's commission to interfere with his other governments, yet it is presumed that I should strictly adhere to the limits prescribed therein; and I assure you that I am very far from desiring to make the least encroachment or set on foot any dispute on these points. It will therefore give me great satisfaction, if at your leisure, you can inform

* George Clinton, governor of the province of New York at this time, received his appointment in 1743. He was the youngest son of Francis Clinton, the Earl of Lincoln. His administration, attended with much turbulence, continued ten years, or till Oct., 1753.—ED.

me, by what authority Connecticut and the Massachusetts governments claimed so far to the westward as they have settled; and in the mean time I shall desist from making any further grants on the western frontier of my government, that may have the least probability of interfering with your government.——I am, with great respect, Sir, your Excellency's most obedient humble servant.

B. Wentworth.

Letter from Gov. Clinton to Gov. Wentworth.

June 6th, 1750.

Sir—

I have received your letter of the 25th April last, in answer to mine of the 9th of the same month, respecting the eastern boundary of this province, wherein you desire to be informed by what authority Connecticut and the Massachusetts governments claim so far to the westward as they have settled.

As to Connecticut, their claim is founded upon an agreement with this government, in or about the year 1684, afterwards confirmed by King William, in consequence of which the lines between the two governments were run, and the boundaries marked in the year 1725, as appears by the commissioners and surveyors proceedings, of record here. But it is presumed the Massachusetts government, at first, possessed themselves of those lands by intrusion, and through the negligence of this government have hitherto continued their possession, the lands not being private property.

From the information I have, there is reason to apprehend that the lands within the township you have lately granted, or part of them, have been granted here: And as my answer to your letter might probably have furnished you with objections against any grant which might interfere with this province, I am surprised you did not wait till it came to hand, before you proceeded therein. If it is still in your power to recall the grant, your doing so will be but a piece of justice to this government: otherwise I shall think myself obliged to send a representation of the matter to be laid before his Majesty.

I am, &c., ——— ———

Letter from Gov. Wentworth to Gov. Clinton.

Portsmouth, June 22d, 1750.

SIR—

As soon as your letter of the 6th inst. came to my hands, I thought it proper to have the sense of his Majesty's Council thereon, who were unanimously of the opinion, not to commence a dispute with your Excellency's government respecting the extent of the western boundary to New Hampshire, until his Majesty's pleasure should be further known; accordingly the council have advised, that I shall, on the part of New Hampshire, make a representation of the matter to his Majesty, relying that your Excellency will do the same on the part of New York; and that whatever shall be determined thereon, this government will esteem it their duty to acquiesce in, without any farther dispute, which I am hoping will be satisfactory on that point.

When I first wrote you on this subject, I thought I had given sufficient time to receive an answer to my letter, before I had fixed the day for passing the grant referred to in your letter; and as the persons concerned therein lived at a great distance, it was inconvenient for them to be delayed beyond the appointed time: I was not apprehensive any difficulty could arise by confining myself to the western boundaries of the two charter-governments; accordingly I passed the patent about ten days before your favor of the 9th of April, 1750, came to hand. There is no possibility of vacating the grant as you desire; but if it falls by his Majesty's determination in the government of New York, it will be void of course. I shall be glad the method I have proposed may be agreeable to your province; and if submitting the affair to his Majesty meets with your approbation, I shall, upon receiving an answer, lose no time in transmitting what concerns this province to the proper offices.

I am with the greatest respect, Sir, your Excellency's most obedient humble servant.

B. WENTWORTH.

Letter from Gov. Clinton to Gov. Wentworth.

New York, July 25th, 1750.

SIR—

I have taken the sense of his Majesty's Council on your

Excellency's letter of the 22d ult. respecting the extent of the western boundary of your government, who think it highly expedient I should lay before his Majesty a representation of the matter on the part of this province; and as you propose to do the like on the part of New Hampshire, they are of opinion it will be for the mutual advantage of both governments, if we exchange copies of each others representation on this head. If you approve of this, I will send you a copy of mine accordingly.

I am, &c.

[NOTE. Notwithstanding the interfering claim of the province of New York, Governor Wentworth continued to make further grants west of the Connecticut river, as appears by the following list of grants made up to the year 1764 inclusive, viz.:]*

Names of Townships.	*Date of the Grants.*
Bennington	Jan. 3, 1749
Halifax	May 11, 1750
Marlborough, now New Marlborough	April 19, 1751
" " Regranted	April 17, 1764
Draper, formerly Wilmington	April 29, 1751
" " Regranted	June 17, 1763
Westminster	Nov. 9, 1752
Rockingham	Dec. 28, 1752
Woodford	Mar. 6, 1753
New Stampford, formerly Stampford	Mar. 6, 1753
Townsend	June 20, 1753
Hinsdale	Sept. 5, 1753
Brattleborough	Dec. 26, 1753
Fulham	Dec. 26, 1753
Putney	Dec. 26, 1753
Hampstead, *alias* Chester	Feb. 22, 1754
" " Regranted	Nov. 3, 1761
Guilford	April 2, 1764
Thomlinson	April 6, 1754
" Regranted	Sept. 1, 1763
Pownall	Jan. 8, 1760
Hartford	July 4, 1761
Norwich	July 4, 1761
Saltash	July 6, 1761
Reading	July 6, 1761
Windsor	July 6, 1761
Killington	July 7, 1761
Pomfret	July 8, 1761
Hertford	July 10, 1761
Woodstock	July 10, 1761
Bridgewater	July 10, 1761
Bernard	July 17, 1761

* The list here given is copied from Slade's "State Papers" on the controversy with New York, &c.,—pp. 13-16,—and is believed to be correct.—ED.

Names of Townships.	*Date of the Grants.*
Stockbridge	July 21, 1761
Arlington	July 28, 1761
Sunderland	July 29, 1761
Manchester	Aug. 11, 1761
Sandgate	Aug. 11, 1761
Thetford	Aug. 12, 1761
Strafford	Aug. 12, 1761
Sharon	Aug. 17, 1761
Springfield	Aug. 20, 1761
Weathersfield	Aug. 20, 1761
Dorset	Aug. 20, 1761
Rupert	Aug. 20, 1761
Shaftsbury	Aug. 20, 1761
Glassenburg	Aug. 20, 1761
Pawlet	Aug. 26, 1761
Danby	Aug. 27, 1761
Harwicke	Aug. 28, 1761
Tunbridge	Sept. 3, 1761
Shrewsbury	Sept. 4, 1761
Clarendon	Sept. 5, 1761
Rutland	Sept. 7, 1761
Fairley	Sept. 9, 1761
Tinmouth	Sept. 15, 1761
Winhall	Sept. 15, 1761
Wells	Sept. 15, 1761
Ludlow	Sept. 16, 1761
Poultney	Sept. 21, 1761
Castleton	Sept. 22, 1761
Shoreham	Oct. 8, 1761
Bredport	Oct. 9, 1761
Guildhall	Oct. 10, 1761
Granby	Oct. 10, 1761
Cavendish	Oct. 12, 1761
Maidstone	Oct. 12, 1761
Ferdinand	Oct. 13, 1761
Brunswick	Oct. 13, 1761
Winlock	Oct. 13, 1761
Bromley	Oct. 13, 1761
Andover	Oct. 13, 1761
Addison	Oct. 14, 1761
Cornwall	Oct. 14, 1761
Leicester	Oct. 20, 1761
Middleborough	Nov. 2, 1761
New Haven	Nov. 2, 1761
Salisbury	Nov. 3, 1761
Weybridge	Nov. 3, 1761
Fane, now New-Fane	Nov. 3, 1761
Wallingford	Nov. 27, 1761
Hindsborough	June 21, 1762
Ferisbourg	June 24, 1762
Monckton	June 24, 1762
Charlotte	June 24, 1762
Pocock	June 26, 1762

Names of Townships.	*Date of the Grants.*
Minehead	June 29, 1762
Lewis	June 29, 1762
Lemington	June 29, 1762
Averill	June 29, 1762
Neshobe	Oct. 20, 1762
Newbury	May 18, 1763
Colchester	June 7, 1763
——— (Name obliterated)	June 7, 1763
Bolton	June 7, 1763
Waterbury	June 7, 1763
Burlington	June 7, 1763
Williston	June 7, 1763
New Huntington	June 7, 1763
Duxbury	June 7, 1763
Moreton	June 7, 1763
Berlin	June 7, 1763
Jericho	June 8, 1763
Middlesex	June 8, 1763
Milton	June 8, 1763
Westford	June 8, 1763
Underhill	June 8, 1763
Mansfield	June 8, 1763
Stow	June 8, 1763
Worster	June 8, 1763
Topsham	June 17, 1763
Lunenburgh	July 5, 1763
Sudbury	Aug. 6, 1763
Whiting	Aug. 6, 1763
Orwell	Aug. 8, 1763
St. Albans	Aug. 17, 1763
Swanton	Aug. 17, 1763
Highgate	Aug. 17, 1763
Georgia	Aug. 17, 1763
Fairfax	Aug. 18, 1763
Fairfield	Aug. 18, 1763
Smithfield	Aug. 18, 1763
Hungerford	Aug. 18, 1763
St. George	Aug. 18, 1763
Shelburne	Aug. 18, 1763
Ryegate	Sept. 8, 1763
Barnet	Sept. 16, 1763
Peacham	Dec. 31, 1763
Corinth	Feb. 4, 1764
Dunbar	June 15, 1764
Hubberton	June 15, 1764
Pittsford	June 15, 1764
Panton	Nov. 3, 1764
Lintfield	Aug. 4, 1763

Grants were also made to the following officers, agreeable to his Majesty's Proclamation of the 7th October, 1763:

Capt. Rob. Rogers	3000 Acres	July	4, 1764
Lieut. Jas. Tate	2000	July	4, 1764
Lieut. P. Brown	2000	July	4, 1764
Lieut. Step. Holland	2000	July	4, 1764
Lieut. And. Philips	2000	Aug.	11, 1764
Capt. Nath. Whiting	3000	——	——

To arrest the proceedings of New Hampshire, Mr. Colden, Lieutenant Governor of New York, on the 28th of December, 1763, issued a Proclamation, "commanding the sheriff of the County of Albany to make a return of the names of all persons who had taken possession of lands under New Hampshire Grants; and claiming jurisdiction as far east as Connecticut river," by virtue of a grant to the Duke of York;—of which Grant the following is an extract [as given in the "Slade State Papers," pp. 16, 17]:

CHARLES the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To all to whom these presents shall come, greeting: Know ye, that we, for divers good causes and considerations, have, of our especial grace, certain knowledge and mere motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant unto our dearest brother, James, Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place, called or known by the name of St. Croix, next adjoining to *New Scotland*, in *America*, and from thence extending along the Sea-coast, unto a certain place called Petuaguine or Pemaquid, and so up the river thereof to the furtherest head of the same, as it tendeth northwards; and extending from the river of Kinebeque, and so upwards, by the shortest course of the river Canada, northwards: And all that island or islands, commonly called by the several name or names of Matowacks or *Long Island*, situate and being towards the west of *Cape Cod*, and the *Narrow Highgansetts*, abutting upon the main land, between the two rivers there, called or known by the several names of *Connecticut* and *Hudson's River*, together with the said River, called *Hudson's*, and all the lands from the west side of *Connecticut* river, to the east side of *Delaware* Bay; and also, all those several Islands, called or known by the names of *Martin's Vineyard*, and *Nantuckes*, otherways *Nantucket*; together with all, &c. Dated the twenty-ninth day of June, in the twenty-sixth year of the reign of King CHARLES the Second."

[NOTE. Upon the issue of the abovesaid proclamation and claim of territory, by virtue of said grant to the Duke of York, Gov. Benning Wentworth, of New Hampshire, sent forth a proclamation designed to counteract the influence of the former, and to inspire the grantees of the new townships with confidence in the validity of their grants.—ED.]

[P. 21.] By His Excellency

BENNING WENTWORTH, Esq.,

Captain-General, Governour and Commander in Chief of His Majesty's Province of New Hampshire, in New England, &c.

A PROCLAMATION.

Whereas His Honor Cadwallader Colden, Esq. Lieutenant Governor and Commander in Chief of His Majesty's Province of New York, hath lately issued a Proclamation, of a very extraordinary Nature, setting forth, that King Charles the Second, on the 12th day of March 1663–4, and the 29th of June, 1674, did by his several Letters Patent of those Dates, grant in Fee to his Brother, the Duke of York, among other things, all the land from the West side of Connecticut River to the East side of Delaware Bay: and therein also sets forth, or Describes the Bounds of New Hampshire; in which Description there is a very material Mistake; besides, there is omitted the Fact, on which the description of New Hampshire depended, viz. His Majesty's determination of the Northern and Western Boundaries of the Province of the Massachusetts Bay in 1739: And nothing can be more evident, than that New Hampshire may legally extend her Western boundary as far as the Massachusetts Claim reaches, and she claims no more;—But New York pretends to claim even to the Banks of Connecticut River, although she never laid out and settled one Town in that part of His Majesty's Lands, since she existed as a Government.

When New York Government extends her Eastern boundary to the Banks of Connecticut River, between New York and the Colony of Connecticut; and to the Banks of said River between New York and the Province of the Massachusetts Bay, it would have been full early for New York to declare that the Government of New Hampshire was fully apprised of the Right of New York, under the before recited Letters Patent to the Duke of York.

In virtue of the final Determination of the Boundary Lines settled by his late Majesty between this Government and the Massachusetts Bay, all the Lands capable of Settlements have been erected into Townships agreeable to His Majesty's commands, and a considerable revenue is daily

arising to the Crown, unless interrupted and impaired by His Honor's Proclamation, which New Hampshire will not be answerable for.

At present the Boundaries of New York to the Northward are unknown; and as soon as it shall be His Majesty's Pleasure to determine them, New Hampshire will pay a ready and cheerful Obedience thearunto; not doubting but that all grants made by New Hampshire, that are fulfilled by the grantees, will be confirmed to them, if it should be His Majesty's Pleasure to alter the Jurisdiction.

For Political Reasons, the claim to Jurisdiction by New York, might have been deferred, as well as the strict Injunction on the civil power, to exercise Jurisdiction in their respective Functions, as far as the Eastern Banks of Connecticut River.

The said Proclamation carrying an Air of Government in it, may possibly affect and retard the settlement of His Majesty's Lands, granted by this Government; For preventing an injury to the Crown of this kind, and to remove all Doubts that may arise to Persons holding the King's Grants, they may be assured, that the Patent to the Duke of York is obsolete,—and cannot convey any certain Boundary to New York, that can be claimed as a boundary, as plainly appears by the several boundary lines of the Jersies on the West, and the Colony of Connecticut on the East, which are set forth in the Proclamation, as Part only of the Land included in the said Patent to the Duke of York.

To the End therefore, that the grantees now settled, and settling on those Lands, under his late, and present Majesty's Charters, may not be intimidated, or any way hindered or obstructed in the improvement of the Lands so granted; as well as to ascertain the Right, and maintain the Jurisdiction of his Majesty's Government of New Hampshire, as far Westward, as to include the grants made; I have thought fit, by and with the advice of His Majesty's Council, to issue this Proclamation, hereby encouraging the several grantees, claiming under this Government, to be industrious in clearing and cultivating their Lands, agreeable to their respective grants.

And I do hereby require and command all civil officers, within this Province, of what Quality soever, as well those that are not, as those that are inhabitants on the said Lands to continue and be diligent in exercising Jurisdiction in

their respective offices, as far Westward as grants of Land have been made by this Government; and to deal with any Person or Persons, that may presume to interrupt the Inhabitants or settlers on said Lands, as to Law and Justice doth appertain, the pretended Right of Jurisdiction mentioned in the aforesaid Proclamation, notwithstanding.

Given at the Council Chamber in Portsmouth, *the 13th Day* of March, 1764, *and in the fourth* Year *of His* MAJESTY'S *Reign.*

B. WENTWORTH.

By His EXCELLENCY'S *Command,*
with Advice of COUNCIL.
T. ATKINSON, jun. *Secretary.*

GOD SAVE THE KING.

Letter from Cadwallader Colden, of New York, to Benning Wentworth.

[P. 23.] New York, May 13th, 1765.

SR—

I have the Favour of yours of the 26th of last month, soon after I received his Majesty's order in Council for determining the Boundary between this Province and New Hampshire.

I gave directions to the Attorney General to forbear any further Prosecutions you mentioned in your Letter; of which, I doubt not, you have rec'd an acct from Home before this Time. It gives me pleasure to have done a thing so agreeable to you before your Desire was made known to me.

I am with great Truth & regard
Your most obedient humble servt
CADWALLADER COLDEN.

His Excellency
Benning Wentworth, Esq.
(Copy.) recd 22d May 1765.

[NOTE. It will serve to throw light on the controversy which the foregoing correspondence opened, to introduce at this point a representation of the case made to the Lords of Trade in England by Lieut.-Gov. Colden, under date of January 20, 1764.—ED.]

[Copied from Doc. Col. Hist., New York. vol. VII, pp. 595–598.]

New York, 20 January, 1764.

My Lords—

The dispute subsisting between this, and his Majesty's Govern[t] of New Hampshire, respecting their boundary, obliges me to lay the State of this matter before your Lord[pps].

In April, 1750, Gov[r] Clinton communicated to the Council a letter of the 17[th] Nov[r] from Mr. Wentworth Gov[r] of New Hampshire, representing that he had it in command from His Maj[ty] to make grants of the unimproved lands in New Hampshire, and desiring information how far north of Albany this Province extended, and how many miles to the Eastward of Hudson's river, to the northward of the Massachusetts line, that he might govern himself accordingly—As also an extract of his Maj[ty's] Commission to Mr. Wentworth describing the boundaries of that Govern[t]. By the advice of the Council, Mr. Clinton informed Mr. Wentworth, in answer to his request, that this Province is bounded Eastward by Connecticut River, the letters Patent from King Cha[s] the Second to the Duke of York expressly granting "all the lands from the west side of Connecticut River, to the East side of the Delaware Bay."

Mr. Wentworth in answer of the 25[th] April, says, that he had communicated to His Majesty's Council of that Govern[t] the above opinion of the Council of this Province, which he declares would have been satisfactory, had not the two Charter Govern[ts] of Connecticut and Massachusetts Bay, extended their bounds many miles to the westward of Connecticut River; and desires to be informed, by what authority Connecticut and the Massachusetts Govern[ts] claimed so far to the westward as they had settled, & acquainted Gov[r] Clinton, that before the receipt of his letter of the 9[th] of April, he had granted a township due north of the Massachusetts line, of the contents of six miles square, and by measurement twenty-four miles east of the City of Albany. Upon Gov[r] Clinton's laying this letter before the Council, they advised him to inform Gov[r] Wentworth, that the claim of the Gov[r] of Connecticut is founded upon an agreement with that of New York in the year 1683. afterwards confirmed by King William. But that as to the Massachusetts Settlements, so far to the westward, it was presumed they were first made by intrusion, and since continued thro' the neglect of this govern[t]. And that it was probable the lands within the township he had lately granted, or some part of them, had been already granted by the Govern[t] of New York.

In July 1750, Mr. Wentworth's letter of the 22[d] June preceeding, was laid before the Council; declaring, that his Maj[ty's] Council of that Prov[e] were unanimously of opinion not to commence a dispute with this Govern[t] respecting the extent of western Boundary to New Hampshire, until His Majesty's pleasure should be further known; and accordingly the Council had advised that he should on the part of New Hampshire, make a representation of the matter to His Majesty, relying that Mr. Clinton would do the same on the part of New York. To which proposal this Govern[t] agreed, adding, that it would be a measure for the mutual advantage of both provinces, that the copies of the respective representations to be made to his Majesty on this head should be exchanged.

On the 2[nd] September Mr. Wentworth signified the Assent of his Govern[t] to the last mentioned proposal as it might contribute to the

speedy settlement of the boundary between the two provinces, and assured Mr Clinton, that he would transmit to him, a copy of the representation he should make in behalf of New Hampshire, as soon as perfected.

I find the representation on the Part of New York was not approved of by the Council, until the 18th Octr 1751, when it was entered on the minutes, together with a letter of mine on the same subject. But before this period, Mr. Wentworth had in his letter to the Board of Trade, of the 23d March, 1750, suggested to their Lordpps what he thought proper to urge on this subject, in behalf of his own Govern^{t}, without transmitting any copy thereof to Govr Clinton.

Thus the matter rested, according to my information, until the incursions of the Indians into this Province, immediately preceeding the late War, put an entire stop to any new settlements, and rendered both Governts less solicitous to bring this controversy to an issue. The Govern^{t} of New York, confiding that New Hampshire, after what had passed, would not venture to make any further grants, until his Majesty should be pleased to determine the limits between his two Provinces, as such Grants, where they might interfere with those of New York, must be considered as a mere nullity.

But how great was the surprise of this Govern^{t}, when they lately discovered that New Hampshire had, since the transactions above recited, granted upwards of thirty, some affirm one hundred and sixty townships, each of six miles square, westward of Connecticut River; a fact which had probably been still concealed from the knowledge of this Govern^{t}, had not the grantees or persons employed by them, travelled thro' all parts of this and the neighboring province of New Jersey, puplickly offering the lands for sale, at such low rates as evince the claimants had no intention of becoming settlers, either from inability, or conscious they could derive no title to the lands under the grants of New Hampshire.

To prevent therefore the further progress of this mischief, by informing the people of the true state of the claim of the two Provinces, His Majesty's Council unanimously advise me to issue a Proclamation, asserting the ancient jurisdiction of this Province to Connecticut River, a copy whereof I have the honor to inclose to your Lordpp^{t}.

The Claim of the Govern^{t} of New Hampshire to within twenty miles east of Hudson's River, being founded solely on the example of Connecticut and the Massachusetts Bay, it will be necessary to consider the right of those two Governts to that Boundary:—

The limits of Connecticut were settled by agreement with this province confirmed by the Crown, and tho' the possession and claim of the Dutch, might have been offered as an argument to confine the limits of that Colony to the River Connecticut; yet as the Tract might thereby have been rendered too inconsiderable for the establishment of a Colony, and the people had so early extended their settlements Westward of the River, these considerations probably were the motives which induced the Govern^{t} of New York, first in 1664, and afterwards in 1683, to yield to Connecticut the Lands westward, to the distance of about twenty miles of Hudson's River.

But no agreement or settlement of Boundaries can be alleged on the part of Massachusetts Bay. The Dutch, at the time of the Massachusetts first grant, possessed this Province then called New Netherlands, extended their claims between the two Rivers Delaware and Connecti-

cut; and had long before the English approached the last mentioned River, a Fort, called Fort Hope, on the western Banks, near where the Town of Hertford now stands—these facts were well known at the time, and therefore in the grant to the Council of Plymouth in 1620, of the lands within the 34th and 48th degrees of North latitude, on which the claim of Massachusetts Bay and Connecticut was originally founded, all lands which were held or possessed by any other Christian Prince or State, are expressly saved and excepted—hence it appears that the grant to the Duke of York in 166¾ of the lands Westward of Connecticut River, was entirely grounded on an opinion, that the Crown had an absolute right to those lands, notwithstanding the claim of the New England Colonies, and that this grant which immediately preceeded the conquest of this Province from the Dutch, was intended to include all the lands which the Dutch held here.

I have not till lately seen an extract of a Report of the Commissioners appointed by the Crown in 1664, to visit the New England Governts, who declare, they find the limits of Massachusetts Bay to be Seconnet Brook on the south-west, and Merimack River on the North East, and two right lines drawn from each of those two places till they come within twenty miles of Hudson's River.

Nor an extract of a letter from Coll. Nichols Govr of New York, in which, speaking of the agreement made with Connecticut he says: "This determination was a leading case of equal justice and of great "good consequence in all the Colonies; and therefore we were assured "would be an acceptable service to your Royal highness, though to the "diminution of your bounds, so that to the East of New York and "Hudson's River, nothing considerable remains to your Royal High-"ness, except Long Island, and about twenty miles from any part of "Hudson's River. I look therefore upon all the rest as empty names, "and places possessed forty years by former grants, and of no conse-"quence to your Royal Highness, except all New England could be "brought to submit to your Royal Highness' Patent"—

If any settlement was then made by the Commissrs and the Massachusetts Bay, it appears not on record, although that with Connecticut in the same year is Registered in both Provinces; and if actually made, it was unauthorized; the powers to the Commissioners being expressly confined to the disputes between the New England Governts, namely, Massachusetts Bay, Connecticut, New Plymouth, Rhode Island, and the Providence plantation, as evidently appears from the Commission, a copy of which I enclose your Lordpps, nor can it be supposed that the Crown meant to invest a power in the Commissrs, to settle boundaries between the Governts of New England and this Provce, the commission bearing date in April 1664, and the conquest of this Govern[t] from the Dutch, not taking place till the month of August following. There is also a mistake in the assertion, that the "places were possessed forty years by former grants"—unless by the Dutch, for the English did not settle to the westward of Connecticut River, till 1635 or 1636, which settlement was made southward of the Massachusetts south line, without authority from any Govern[t]. The determination then in respect to Connecticut could not with propriety be considered as a leading case of equal justice in all the Colonies, nor could the boundary of Connecticut River have affected the other Governts so materially as Connecticut, as those Governts have a far greater extent Eastward than Connecticut. This reasoning is justified also from these considerations, that the Crown

did not by any act, ratify or approve the opinion of the Commissioners, or of Gov^r^ Nicholls who was one of them, but on the contrary, after the Dutch had in 1673, reconquered this Province, and by the Treaty of Breda in 1674, yielded it to England, made a second grant to the Duke of York in the same terms with the first; and it appears by the minutes of the agreement with Connecticut in 1683, that Gov^r^ Nicholls and the other Commiss^rs^, had been deceived in the line they established with that Colony in 1664, which instead of leaving to this Province twenty miles East of Hudson's River, soon crossed that River, and left the far greater part of that River out of New York Govern^t^.

Massachusetts Bay hath nothing I humbly conceive to urge in support of their claim to a twenty mile line East of Hudson's River, but a possession gained in opposition to the letter and spirit of their grants from the Crown, thro' the inattention of this Govern^t^. This argument may in equity entitle individuals to a confirmation from the Crown, of the lands they actually possess, rendering to His Majesty the usual quit-rent reserved in this Province, but cannot be offered as conclusive on the part of the Crown, in respect to its interests arising either from its Revenue of quit-rents, which by computation at 2 | 6 p^r^ 100 acres, would amount to near £1200 Sterling p^r^ Annum, or from Escheats, neither can it with justice I think, be extended to the case of those inhabitants of New York, who hold lands Eastward of a twenty mile line, the lands being at the time they obtained their grants, vested in the Crown, within the express limits of the province of New York, and not within the grants on which the Massachusetts Bay found their claim.

Having thus fully considered this point, in respect to the Province of Massachusetts Bay, I need add very little as to New Hampshire. That Govern^t^ is to extend Eastward and Northward till it meets with his Majesty's other Govern^ts^, and cannot therefore interfere with the limits of this Province. The lands in question lay much more convenient to be included within New York, than New Hampshire. Hudson's River being navigable by vessels of considerable burthen to Albany; the Trade of that part of the country will probably centre there, to which place the transportation of carriage will be much easier than to the ports of New Hampshire, and where the inhabitants are likely to meet with a better market for their produce. The Revenue to the Crown, if the lands are settled under this province, will be greater, than if granted under New Hampshire, in proportion to the difference of quit-rent, which I am informed is 1 sh. sterl: pr 100 acres in that Prov^ce^, and is by his Majesty's Instructions fixed here at 2 | 6 sterl. There is another circumstance of some weight at this juncture. The preference given to this Govern^t^ from its evident superiority, has induced a great number of reduced officers to claim here, the bounty His Majesty has been pleased by his Proclamation of the 7^th^ Oct^r^ last, to extend to those who have served in North America during the late war; and many of them have located their spotts within the claim of New Hampsh^re^, indeed if they had not, it would have been impossible for this Govern^t^ to have found lands enough for them, clear of dispute, and not reserved to the Indians: but they absolutely decline any application to New Hampshire for lands westward of Connecticut River.

As the settling the limits of Jurisdiction of the Govern^ts^ of New York and New Hampshire absolutely depends on his Majesty's pleasure, sh^d^ His Majesty on any consideration extend the limits of New Hampshire westward of Connecticut River, I humbly presume to hope the right of

property and the right of jurisdiction will be saved to this Province, in respect to all lands before granted by this Govern[t], whose right to the boundary of Connecticut River, especially when considered as to New Hampshire, appears clear and unquestionable.

I am with great submission
My Lords,
Your most obedient & faithful Servant
CADWALLADER COLDEN.

SECTION II.

PROCEEDINGS IN RELATION TO THE NEW HAMPSHIRE GRANTS, UNDER THE ADMINISTRATION OF GOV. JOHN WENTWORTH.

Memorial of John Wendell, respecting lands on the west side of Connecticut river annexed to the province of New York.

[P. 25.] To his Excellency John Wentworth, Esq[r] Captain General, Governor & Commander in Chief in and over his Majesty's Province of New Hampshire, & Vice Admiral of y[e] same.

To the Hon[ble] His Majesty's Council and House of Representatives in General Assembly convened this 18[th] day of Oct[r], 1768, by adjournment.

The Memorial of John Wendell of Portsmouth in the Province aforesaid, Esq[r], unto your Excellency & Honors humbly shews:

That your Memorialist being appointed the agent of a Committee, chosen by the voices of more than one Thousand Grantees, claiming lands on the western side of Connecticut River, under the Grants of Benning Wentworth, Esq[r], late Governor of this province, which have since been taken away and annexed to the Province of New York; by virtue of which appointment, he is impowered to act, transact and do, anything, whereby the Interest of his Constituents and their Principles may be advanced; as also to correspond with their other agents, M[r] Sam[l] Johnston & Sam[l]

Robinson Esquires, who have preferred a Petition to his [p. 26.] Majesty in Council in behalf of the said grantees, praying to be re-annexed to this Government, and to set forth other heavy grievances, under which the s[d] grantees then laboured, and which still continue.

During a correspondence which y[r] Memorialist has had with the said Johnston, some anecdotes have dropt from his Pen, which your Memorialist is desired to communicate, as worthy the notice and attention of the whole Legislature of this Prov[ce], but as the said Johnston has strictly enjoined it upon him, not to divulge this intelligence he has received, or give Extracts of his Letters only to such, whose Prudence & Secrecy may be absolutely relied upon, your memorialist has hitherto postponed this communication; and now placing an unlimited Confidence on the Prudence of this Hon[bl] Court, he takes the Liberty to lay an attested Extract of said Johnston's Letter before them, from which may be deduced;—that if the Legislature of this Province would join with said Grantees in their application to his Majesty in Council, the one for the Jurisdiction, and the other for the Property of said Lands, there is a great Probability of success to both.

Your Memorialist does not presume to dictate any particular measures whereby this valuable & much desired acqui- [p. 27.] sition may be obtained, but leaves to the consideration of this Hon[ble] Court the nature & substance of this memorial, as it is y[r] Memorialist's only Intention & highest Ambition, that the grantees in particular, and the Province in general may reap an advantage that may result from this Discovery.

And y[r] Memorialist, as in Duty bound shall ever pray.

JOHN WENDELL.

London, March 31[st] 1763. *Extract from Mr. S. Johnston's Letter of that date to John Wendell.*

"I am really surprised at the supiness of the Proprietors and even of "your Province in this matter; had it been pursued with spirit imme- "diately upon the alteration of the Jurisdiction & before any Grants "had been made by New York, it is very plain to me, that the Prop[rs] "might very easily have secured their Lands, tho' the Province had "not recovered its Jurisdiction, and even the latter I think was very "probable.

"Many things which have since happened have increased the diffi- "culty, but I should by no means even now despair of it. if the cause

"was supported as it ought to be by the joint aid and application of all "the Proprietors and the Province, the one for the Property and the [P. 28.] "other for the Jurisdiction of the lands, the real Poverty of "those who joined Capt. Robinson (tho' they did the best they could) "rendered them unable to give the cause that effectual support which "was (and is) necessary to give it proper weight and render the applica- "tion to the Crown as regular and respectable as its Importance and the "usual course of Proceedings in cases of this kind justly required; "Money has in fact been wanting to do Justice to this Cause; it came "here rather in *Forma Pauperis* which is an appearance seldom made "or much regarded in this country, and is by no means an Eligible "light in which to place an affair of this kind."

A true coppy taken by me
JOHN WENDELL.

[P. 29.] *Extract of Governor John Wentworth's Letter to Governor William Tryon of New York, dated 19th of October, 1771.*

"The Information refer'd to in your Excellency's Letter of 2[d] Inst. altho' wholly different from the real fact, is not unexpected to me having been often menaced by a number of People on Connecticut River who have not only taken great pains to vilify & asperse me in that District, and by the most artful, unjust sollicitations to obtain equally injurious Representations, not hesitating to scatter threats of Plans form'd to remove me from his Majesty's Service. These things I shou'd have neglected in silence; but their attempts to convey such prejudicial Insinuations to your Excellency justifys my Explanation.

"The Surveyor General of the Northern District being in the course of Duty station'd here for two years, and by the Winter's Rigor precluded from surveying the Sea Coast, I formed a Design of obtaining thro' his assistance a perfect and complete Survey of this Province,—such interior Surveys being recommended in his Official Instructions. Captain Holland very obligingly was dispos'd to employ himself & his party on this service if he could be aided by three or four additional men to assist in the Surveys.

[P. 30.] "Whereupon I recommended to the Assembly, but they refus'd to make any provision for the expense, altho' it could not amount to Fifty Guineas; but as the advantage was so evidently great, and such an invaluable opp[y] might never again happen, to acquire a faithful and exact Map of the Province, unless at a far greater Expense, Capt. Holland's Requisition was rais'd by subscription.

"He undertook in person to survey the Eastern District. One Deputy, Mr. Grant, he sent to Connecticut River, & one Deputy thro' the middle of the Province. In the Spring each party made Return to Capt. Holland, and this Winter the intermediate parts of those Divisions are to be perfected and a general Map compos'd.

"These Gentlemen being strangers the people of the Country, naturally jealous of every thing they don't understand, and the whole survey depending upon voluntary assistance, I wrote to some Gent[n] in this Prov[ce] a circular Letter for each party to secure proper Reception & assistance for them: which letter in many instances sav'd them much distress and difficulty.

"Whether Mr. Grant (Mr. Whiting had no sort of power [p. 31.] or Direction, but merely as one hand hir'd) pursued an Easterly Branch of Connecticut River, instead of a Northerly Branch, or which of the two is properly the main River I know not; but am inclin'd to think so skilful an officer under the strictest injunction of care from his principal, and subject to his penetrating Examination, cou'd not well be mistaken in such a material point as this, yet, if it is, the error is so much injurious to New Hampshire.

"The ill-tim'd parsimony of the late Assembly refus'd so useful & necessary a grant altho' requisite to carry into effect a royal Instruction. I confess it gave me pain, yet I could by no means solicit aid of the Government of N. York towards surveying Connect. River, which by his Majesty's Order in Council (whereby the Western District was granted from this to that Province) is established expressly to be in N. Hampsh; to its Western Banks—more especially as it is part of a Provincial Survey, w[ch] hath not been forwarded to his Majesty's ministers of State, neither will it be, until next Spring; when the whole Prov: Map is finish'd and must then obtain what credit its own truth may merit.

"Whatever may be the consequences of the conduct held by those people, whom y[r] Excell[y] is informed are exciting Disturbances on the District formerly in this Province, they [p. 32] cannot in any Degree be ascrib'd to me: that my name has been used therein, I consider as an effort of those unworthy wretches, who daily presume in that country to calumniate me in y[e] rudest & most indecent Forms.

"To preclude all possibility of mistake on my side, I have cautiously & unexceptionably avoided speaking to any

man or men upon this Dispute, unless in the presence of some other persons; and have invariably recommended implicit obedience to the Laws, where his Majesty had been pleas'd to assign them; and upon all occasions positively disavow'd any connection with them or even a desire for their reverting to this Prov: But at all times told them that I have met with occasionally, that submission was their Duty & Interest. Upon y^r Excelly's accession to the government, I was still more explicit & earnest in public & private recommending those unhappy complaining people immediately to refer themselves & their cause to y^r Decision, & in abiding thereby I was confident they would have Justice; neither might they expect me to reconsider or alter what might be y^r Determination, even if that Country should ever be re-annexed to this Province—an event w^ch [P. 33.] cou'd not be expected, considering the great Disparity in Interest, Wealth, Diligence & Ability, w^ch I grieve to acknowledge is manifestly against N. Hamps^h.

"Hence it is my wish to hear that every outrage & violence committed under any pretence whatsoever may meet the severest censure of Law, w^ch I shall see without concern; but on the contrary rejoyce in, as the avenger of those groundless aspersions & still more culpable conduct practised by many towards me, in defiance of all Law or Rectitude whatever: And I entreat as a peculiar favor, the greatest severity may fall on those who presume in any way to ascribe their conduct to me. The merits of the Dispute are too tedious for me to enter into at this time, suffice it to say that the whole arose upon Representations & Plans from N. York in the year 1762, totally unsuspected & unknown to this Province, containing many cruel Reflections on y^e late Governor and Council; whereon N. Hamp: suffered the loss unheard; altho' they labor under a Tax to the year 1774 incurr'd in the defence of this very land in obedience to a Royal Instruction specifying it to be part of this Province, and enjoyning a penalty of its loss to Massa. Bay upon neglect'g to obey; an event further remarked by a Dissolution of an Assembly, who disapproving the mode of Defence, rejected the Recommendation w^ch was acceeded to by the next Assembly. I am positively convinced that [P. 34.] these people are to a man certain of my abhorrence of every species of outrage or illegality, and that all pretences of my favor are made by a few disaffected persons,

merely to vilify me. Nor do they even venture openly to avow this among the people in general, who universally know the contrary: therefore any public act of mine cannot in the least undeceive them; but wou'd he considered as an exterior condescension to two or three wicked men who have been for three years past disseminating the most mischievous measures in that remote country."

Letter from Gov. William Tryon to Gov. John Wentworth.

[P. 35.] Fort George, New York, 23d Decr. 1771.

SIR—

Having been favored with your letter of the 19th October, I lost no time in laying it before His Majesty's Council of this Province, by whose advice I issued a Proclamation, setting forth the Proceedings that have passed between our governments, respecting the Lands lying in this Province to the Westward of Connecticut River: A copy of which Proclamation I have the Honor to transmit to you, requesting if you, Sir, see no objection, that it may be inserted in the public Papers within your government. The Facts stated therein are taken from original Letters & papers now in the Secretary's office of this Province. It was thought necessary to prevent the malicious Insinuations of designing men from gaining credit among the deluded Inhabitants [P. 36.] in the Western Frontiers of this Colony, to express in the Proclamation, your Excellency's Disavowal & Disapprobation of the rash conduct of those Rioters who so much disturb the peace of this government. I still hope you will, upon further Reflection, make known by some public act within your government, your Dissatisfaction of such injurious Reflections, & that you will consider such a step rather as a compliance with my earnest request, than as an exterior condescension to a *few* wicked men.

The Commissioners appointed for runing the partition line between this government and the Province of Canada being prevented this season from proceeding any further than twenty-two miles of the course; I am desirous of informing your Excellency, as you may possibly consider your Province in some measure effected thereby, that I have fixed upon the first day of March next, for the commissioners to meet at the house of Colo Christy's on the

[P. 37.] River Cole, about two leagues to the westward of Point Moore, from whence they are to proceed in compleating the Extension of the Boundary Line between the two Governments, agreeable to His Majesty's Instructions.

I am truly sensible of the Politeness of your sentiments towards me & wish you may by an early visit to this City, afford me an opportunity of renewing an acquaintance which was begun during your short stay in your Tour through North Carolina.

I am, with much esteem,

Sir, Your Excellency's most obedient servant

WM. TRYON.

P. S. Our Correspondence being of a public nature I shall communicate the same to His Majesty's Secretary of State for American affairs.

His Excellency John Wentworth, Esq. Gov^r. &c. &c.

NOTE BY THE EDITOR.

In the volume of State Papers—labelled "Vermont Controversy,"—as arranged by the late John Farmer, Esq., pp. 41–48, is found a brief history of that controversy, as contained in Dr. Belknap's History of New Hampshire, pp. 385–392, Farm. ed., Dover, 1831. Inasmuch as this presents a fair view of the controversy, in the judgment of Dr. Belknap, it may be helpful to readers in forming their opinions on the subject.

SECTION III.

BRIEF HISTORY OF THE CONTROVERSY WITH VERMONT.

[Copied from Dr. Jeremy Belknap's Hist. of N. H.]

The inhabitants of the district on the western side of Connecticut river, which was severed from New Hampshire in 1764, had been engaged in a long and bitter controversy with the government of New York. They had even been obliged to have recourse to arms in defence of their estates, and frequent acts of violence had been committed. There was among them a set of intrepid men ready to encounter dangers, and trained to hardy enterprise. At the commencement of hostilities, by the advice of some principal opposers of the British government in the other colonies, a company of those people, styling themselves Green Mountain Boys, marched to Ticonderoga, and wrested that

fortress, together with Crown Point, out of the hands of the British garrisons. A regiment of them was embodied by order and in the pay of the general congress. Their exertions in the common cause were meritorious, and their services were acceptable. 1775.

Soon after the declaration of independence, the inhabitants of that territory assembled in convention to consider their peculiar situation, and concert measures for their safety. The opportunity which then presented for a change in their political connexions was too precious to be lost. By the dissolution of the bonds which had held America in subjection to the crown of Britain, they conceived themselves free from the government of New York, to which the most of them had never voluntarily submitted; and being, as they said, reduced to "a state of nature," they thought they had a right to form such connexions as were agreeable to themselves. Accordingly, they made and published a declaration,—"that they would at all times consider themselves as a free and independent state, capable of regulating their own internal police; that they had the sole exclusive right of governing themselves in such manner as they should choose, not repugnant to the resolves of congress; and that they were ready to contribute their proportion to the common defence." Under the influence of these principles, they formed a plan of government and a code of laws, and petitioned congress to receive them into the union. 1776. 1777. Jan. 15.

The inhabitants on the eastern side of Connecticut river were very conveniently situated to unite with those on the western side, and many of them had the same principles and views. They argued that the original grant of New Hampshire to Mason was circumscribed by a line drawn at the distance of sixty miles from the sea; that all the lands westward of that line, being royal grants, had been held in subjection to the government of New Hampshire by force of the royal commissions, which were vacated by the assumed independence of the American colonies; and therefore that the inhabitants of all those lands had reverted to a "state of nature." By this expression, however, they did not mean that each individual was reduced to such a state, but that each town retained its corporate unity, unconnected with any superior jurisdiction. They distinguished between commissions derived from the king, which were revokable at his pleasure, and incorporations held on certain conditions, which being performed, the powers and privileges granted by the incorporations were perpetual. They asserted, that jurisdictions, established by royal commissions, could bind a people together no longer than the force which first compelled continues to operate; but when the coercive power of the king was rejected, and its operation had ceased, the people had a right to make a stand at the first legal stage, viz., their town incorporations. These, by universal consent, were held sacred. Hence they concluded that the major part of each one of those towns had a right to control the minor part; and they considered themselves as so many distinct corporations until they should agree to unite in one aggregate body.

In these sentiments the people were not all united. The majority of some towns was in favor of their former connexion, and in those towns where the majority inclined the other way the minority claimed protection of the government.

They supposed that the existence of their town incorporations, and of the privileges annexed to them, depended on their union to New Hamp-

shire; and that their acceptance of the grants was in effect an acknowledgment of the jurisdiction, and a submission to the laws of the state, from which they could not fairly be disengaged without its consent; as the state had never injured or oppressed them.

Much pains were taken by the other party to disseminate the new ideas Conventions were held, pamphlets were printed, and at length a petition was drawn in the name of sixteen towns on the eastern side of Connecticut river requesting the new state, which had assumed the name of Vermont, to receive them into its union, alleging "that they were not connected with any state, with respect to their internal police." The assembly at first appeared to be against receiving them, but the members from those towns which were situated near the river on the west side declared that they would withdraw and join with the people on the east side in forming a new state. The question was then referred to the people at large, and means were used to influence a majority of the towns to vote in favor of the union which June 11. the assembly could not but confirm. The sixteen towns were accordingly received, and the Vermont assembly resolved that any other towns on the eastern side of the river might be admitted on producing a vote of a majority of the inhabitants, or on the appointment of a representative. Being thus admitted into the state of Vermont, they gave notice to the government of June 22. New Hampshire of the separation which they had made, and expressed their wish for an amicable settlement of a jurisdictional line, and a friendly correspondence.

The president of New Hampshire, in the name of the assembly, wrote to the government of Vermont claiming the sixteen towns as part of the state, the limits of which had been determined prior to the Revolution, reminding him that those towns had sent Aug. 23. delegates to the Convention in 1775; that they had applied to the assembly for arms and ammunition, which had been sent to them; that their military officers had accepted commissions and obeyed orders from the government; that the minority of those towns was averse to a disunion and had claimed protection of the state, which the assembly thought themselves bound to afford; and beseeching him to use his influence with the assembly of Vermont to dissolve the newly formed connexion.

At the same time the president wrote to the delegates of the state in Congress, desiring them to take advice and endeavor to obAug. 19. tain the interposition of that body; intimating his apprehension that without it the controversy must be decided by the sword, as every condescending measure had been used from the beginning and rejected.

The governor and council of Vermont sent a messenger to congress to see in what light the new state was viewed by them. On his return he reported that the congress was unanimously opposed to the union of the sixteen towns with Vermont; otherwise they (excepting the delegates of New York) had no objection to the independence of the new state.

At the next session of the Vermont assembly at Windsor, when the representatives of the sixteen towns had taken their seats, October. a debate arose on a question whether they should be erected into a new county, which passed in the negative. Conceiving that they were not admitted to equal privileges with their brethren, the members from those towns withdrew; and were followed by several

others belonging to the towns adjoining the river on the west side. They formed themselves into a convention, and invited all the towns on both sides of the river to unite and set up another state by the name of New Connecticut. This secession had nearly proved fatal to the state of Vermont. A ridge of mountains, which extends from south to north through that territory, seemed to form not only a natural but a political line of division. A more cordial union subsisted between the people on the eastern side of the Green Mountains and the eastern side of Connecticut river, than between the latter and those on the western side of the mountains, but these alone were insufficient, without the others, to make a state. The governor and other leading men of Vermont, who resided on the west side of the mountains, wrote letters to the assembly of New Hampshire informing them of the separation, and expressing their disapprobation of a connexion with the sixteen towns. The assembly regarded these letters as ambiguous, and as not expressing a disinclination to any *future* connexion with them. Jealousy is said to be a republican virtue;—it operated on this occasion, and the event proved that it was not without foundation.

A convention of delegates from several towns on both sides of the river assembled at Cornish and agreed to unite without any
Dec. 9. regard to the limits established by the king in 1764, and to make the following proposals to New Hampshire, viz., either to agree with them on a dividing line, or to submit the dispute to congress, or to arbitrators mutually chosen. If neither of these proposals were accepted, then, in case they could agree with New Hampshire on a form of government, they would consent that "The whole of the grants on both sides of the river should connect themselves with New Hampshire, and become one entire state, as before the royal determination in 1764." Till one or other of these proposals should be complied with, they determine "To trust in providence and defend themselves."

An attempt was made in the following year to form a constitution for New Hampshire, in which the limits of the state were said to be
the same as under royal government "reserving nevertheless 1779.
our claim to the New Hampshire Grants west of Connecticut river." Though this form of government was rejected by a majority of the people, yet there was a disposition in a great part of the assembly to retain their claim to the whole of the grants westward of the river. At the same time the state of New York set up a claim to the same lands, and it was suspected, perhaps not without reason, that intrigues were forming to divide Vermont between New Hampshire and New York, by the ridge of mountains which runs through the territory. Certain it is that the Vermonters were alarmed, and that they might have the same advantage of their adversaries they extended their claim westward into New York and eastward into New Hampshire; and thus not only the sixteen towns, but several other towns in the counties of Cheshire and Grafton, became incorporated with Vermont by articles of union and confederation.

It is not easy to develop the intrigues of the several parties, or to clear their transactions from the obscurity which surrounds them. He who looks for consistency in the proceedings of the conventions and assemblies which were involved in this controversy will be disappointed.

Several interfering interests conspired to perplex the subject. The people on the western side of the Green Mountains wished to have the seat of government among them; those adjoining Connecticut river, on

both sides, were desirous of bringing the centre of jurisdiction to the verge of the river; the leading men in the eastern part of New Hampshire were averse to a removal of the government from its old seat; Vermont had assumed independence, but its limits were not defined; New York had a claim on that territory as far as Connecticut river, from which there was no disposition to recede. That state had been always opposed to the independence of Vermont.

New Hampshire at first seemed to acquiesce in it, and some letters which the President wrote to the governor of Vermont, when threatened with invasion in 1777, were understood as an acknowledgment of it. Had there been no attempt to unite with the towns on the eastern side of the river, New Hampshire would perhaps never have opposed the independence of Vermont. But the assembly was afterward induced to claim all that territory which before the year 1764 had been supposed to be within the limits of the state. This interfered with the claim of New York, and at the same time Massachusetts put in a claim to a part of Vermont. The controversy had become so intricate that it was thought necessary to be decided by congress; and application being made to that body, they recommended to the three states of New York, Massachusetts, and New Hampshire to pass acts which should authorize congress to determine their boundaries, and at the same time they advised the people of Vermont to relinquish jurisdiction over all *persons* on the west or east sides of Connecticut river who had not denied the authority of New York and New Hampshire, and to abstain from granting lands or confiscating estates within their assumed limits till the matter should be decided. Sept. 24.

The states of New York and New Hampshire passed these acts, but Massachusetts did not. The Vermont assembly proceeded in granting lands and confiscating estates, and congress could only resolve that their proceedings were unwarrantable.

It was necessary that nine states should be present in congress, besides those whose claims were to be heard. A deficiency in the representation caused a long delay; but after the expiration of another year, the question was brought on. The claims of New York and New Hampshire were put in, and both pleaded that Vermont had no right to independence. The agents of the new state asserted their right, and offered to become part of the Union, intimating that if they could not be admitted they should be reduced to the necessity of making the best terms [they could with] the British government. 1780. Sept. 20.

The cause was further perplexed by a constitutional question,—whether congress had any power to form a new state within the limits of the Union. The decision was deferred, and after eleven months congress had proceeded no farther than to lay it down as an indispensable preliminary to the recognition of Vermont as a member of the Union that they should "explicitly relinquish all demands of land and jurisdiction on the east side of Connecticut river, and on the west side of a line drawn twenty miles eastward of Hudson's river to Lake Champlain." 1781. Aug. 20.

When this resolution was laid before the Assembly of Vermont, which met at Charlestown, they determined to "remain firm in the principles on which they first assumed government, and to hold the articles of union inviolate; that they would not submit the question of their independence to the arbitrament of any power Oct. 19.

whatever, but they were willing at present to refer the question of their jurisdictional boundary to commissioners, mutually chosen; and when they should be admitted into the American Union, they would submit any such disputes to congress."

The state of society within the seceding towns at this time was very unhappy. The majorities attempted to control the minorities, and these were disposed not to submit, but to seek protection of the government with which they had been connected. At the same time and in the same place justices, sheriffs, and constables, appointed by the authority of both states, were exercising jurisdiction over the same persons. Party rage, high words, and deep resentment were the effect of these clashing interests. An affray which began in the town of Chesterfield threatened a scene of open hostility between the states of New Hampshire and Vermont.

A constable, appointed by the authority of Vermont, had a writ in an action of debt against a man who was in the interest of New Hampshire. He found the man, in company with a number of people of
Nov. 14. his own party, and attempted to arrest him. The owner of the house interposed. The constable produced a book, which he said contained the laws of Vermont, and began to read. The owner of the house forbade him. Threatening words were used, and the officer was compelled to retreat. By a warrant from a Vermont justice, the householder and another of the company were committed to prison in Charlestown. They sent a petition to the assembly of New Hampshire for relief. The assembly empowered the Committee of Safety to direct the sheriff of Cheshire to release the prisoners. They
Nov. 28. farther empowered the committee to cause to be apprehended and committed to prison in any of the counties all persons acting under the pretended authority of the state of Vermont, to be tried by the courts of those counties where they might be confined; and for this purpose the sheriffs were empowered to raise the *posse comitatus*.

In attempting to release the two prisoners from Charlestown gaol the sheriff himself was imprisoned by the Vermont sheriff, under the authority of a warrant from three justices. The imprisoned sheriff applied to a brigadier-general of New Hampshire to raise the militia for his liberation. This alarmed the Vermonters, and orders were issued
1782. by the governor for their militia to oppose force with force.
Jan. 12. A committee of Vermont was sent to Exeter "to agree on measures to prevent hostilities." One of this committee was the Vermont sheriff. He was immediately arrested and thrown into prison at Exeter, and there held as a hostage for the release of the sheriff of Cheshire. The assembly issued a proclamation allowing forty days for the people in the revolted towns to repair to some magistrate of New Hampshire, and subscribe a declaration that they acknowledged the extent of New Hampshire to Connecticut river, and that they would demean themselves peaceably as good citizens of the state. They also ordered the militia of all the counties to hold themselves in readiness to march against the revolters.

While affairs wore such a threatening aspect between the two states, means were used at congress to take up the controversy on more general ground. A committee who had under consideration the affair of admitting Vermont into the Union and determining its boundaries, prevailed on General Washington, then at Philadelphia, to write to the governor

of Vermont, advising to a relinquishment of their late extension as an "indispensable preliminary" to their admission into the Union, intimating, also, that upon their non-compliance they must be considered as having a hostile disposition towards the United States, in which case *coercion* on the part of congress, however disagreeable, would be necessary.* Jan. 1, 1782.

This letter had the desired effect. The assembly of Vermont, taking advantage of the absence of the members from the eastern side of the river, obtained a majority for complying with the preliminary, and resolved "that the western bank of Connecticut river on the one part, and a line drawn from the north-west corner of Massachusetts northward to Lake Champlain on the other part, be the eastern and western boundaries of the state of Vermont, and that they relinquished all claim of jurisdiction without those limits." When the members from the eastern side of Connecticut river arrived, they found themselves excluded from a seat in the assembly, and took their leave with some expressions of bitterness. Feb. 22.

After this compliance, it was expected that Vermont would be admitted into the Union, and the question was solemnly put in congress; but a majority decided against it, to the no small disappointment of many persons, beside the inhabitants of the disputed territory. The pretence for this decision was, that they had exceeded the limited time; but they had complied with the "indispensable preliminary," and the order of congress requiring it stood unrepealed. Apr. 14.

Though cut off from their connexion with Vermont, the revolted towns did not at once return to a state of peace; but the divisions and animosities which had so long subsisted continued to produce disagreeable effects. The judicial courts of New Hampshire had sat without much interruption in the counties of Cheshire and Grafton, whilst the officers of Vermont held jurisdiction also: but when the latter were excluded by the act of the Vermont assembly, a spirit of opposition began to arise against the sitting of the former.

When the inferior court was holden at Keene, a number of persons appeared to oppose its proceedings, and effected their purpose so far as to make an adjournment necessary; but three of the leaders of the opposition were arrested and bound over to the superior court. In the mean time efforts were made to raise a party who should oppose the superior court; and it was reported that two hundred men had associated and armed themselves for that purpose. On the morning before the court was opened several of the leaders came to the judge's chambers, and presented a petition praying "that the court might be adjourned, and that no judicial proceedings might be had whilst the troubles in which the country had been involved still subsisted." They were told that the judges could come to no determination on the subject but in open court. When the court was opened their petition was publicly read, and the consideration of it was postponed to the next day. The court then proceeded to its common business. The grand jury being impanneled, the doors of the house where they met were kept open whilst the attorney-general laid before them the case of the rioters at the inferior court. A bill was found against them. They were arraigned, they pleaded guilty, and cast Sept. Oct.

* The letter of General Washington will be found among the papers which follow, in its proper place.—Ed.

themselves on the mercy of the court. The court remitted their punishment on condition of their future peaceable behaviour. This well-judged combination of firmness and lenity disarmed the insurgents, and they quietly dispersed. From that time the spirit of opposition to government in that quarter gradually abated, and the people returned to their connexion with New Hampshire.

SECTION IV.

Discontent in the Border Towns of New Hampshire lying East of Connecticut River.

Note by the Editor.

Readers will please bear in mind that on the 5th of January, 1776, the general assembly of New Hampshire "took up civil government," and adopted what was called a "temporary constitution," to continue during the war then commenced with Great Britain (see State Pap. N. H., vol. VIII, pp. 2–4). Soon after, they assumed the name of the "State of New Hampshire," of which Hon. Meshech Weare was the chief magistrate, with the title of "President of the Council." This temporary constitution, it appears, was not acceptable to a portion of the people.

Extract of a Letter from Hon. Meshech Weare to New Hampshire Delegates in Congress, dated*

Exeter, Decem^{br} 16th, 1776.

Gentlemen—

"I enclose you an Address of Several Towns in the County of Grafton to the people at large (fabricated I suppose at Dartmouth College) and calculated to stir up contention & animosities among us at this difficult time: Especially as our Government is only temporary & the state of matters not allowing a Revisal. However this Pamphlet with the assiduity of the College Gentlemen, has had such an effect that almost the whole County of Grafton, if not the whole, have refused to send members to the new Assembly, which is to meet next Wednesday." ——[M. W.]——

* This letter is found in State Pap. N. H., vol. VIII, p. 420.—Ed.

[The following is an exact copy of the said printed Address :]

AN | ADDRESS | OF THE | INHABITANTS | OF THE | TOWNS | OF PLAINFIELD, LEBANON, ENFIELD, (alias RELHAN) CANAAN, CARDIGAN, HANOVER, LIME, ORFORD, HAVERHILL, BATH, and LANDAFF, to the Inhabitants of the several Towns in the Colony of NEW-HAMPSHIRE. | NORWICH:[1] PRINTED BY JOHN TRUMBULL, M,DCC,LXXVI.

THE INHABITANTS of a Number of Towns in the COLONY of *New-Hampshire*, to the PEOPLE of the several TOWNS throughout said COLONY.

FRIENDS AND BRETHREN.

THE important Crisis is now commenced wherein the providence of GOD; the Grand Continental Congress; and our necessitous circumstances, call upon us to assume our natural right of laying a foundation of Civil Government within and for this Colony.—Our anxious concern how the present time may be improved, whenever we are acting, not only for ourselves, but ages yet unborn; and on which the fate of posterity politically depends, imbolden us to address you in this manner upon the important subject. How many millions are there in the world, who would count nothing in this life, too dear to part with, if they might arrive at such a period: and yet how frequent are the instances, wherein such golden opportunities have been lost, principally through the inattention of the people: whereby ambitious and designing men have inshralled [inthralled] whole Kingdoms and Empires; and thereby brought them to ruin and destruction. The Tyrant would never rise, nor the Oppressor reign, were it not for the pusillanimous submission of the people, who have it in their power to prevent them, and ought to hold the reins of Government in their own hands. Freedom and liberty never can be lost, nor gained in the hands of Tyrants, but by the tame submission of the subject, or through their criminal neglect, or inattention: and are seldom if ever regained, but by bloody conflicts. Witness the present day. Who could have thought, even less than twenty years ago, that arbitrary power and oppression could have reigned predominant in one of the best constitutions (as supposed) in the world, in so short a time; but not more strange than true. This in part, may be accounted for by the parliament's giving up into the hands of the King such power and influence; but principally by the criminal neglect, if nothing worse, of the people; who have the right of constituting one main branch of the British parliament. It may be observed, as a self-evident proposition, that, whenever a people give up their right of representation, they consequently give up all their rights and privileges; this being the inlet or door to arbitrary power and oppression; therefore upon the present exigency of affairs, it behooves every individual, who is a subject of Government, to attend to the important business—see and act for himself. No one is excused, as we are all upon an equal footing, and all equally interested.—Therefore let us, like free born Americans, know our rights and privileges, and like rational men act up to our exalted character.—Let us not give occasion

1 Norwich, Connecticut.

to our neighbours or posterity to reproach us, by saying, that we made a glorious stand against the strides of arbitrary power, and oppression; and with our blood and treasure gained the happy conquest, but in the first advance we made towards establishing a constitution for ourselves and posterity, we either inadvertently or carelessly, gave up our most essential rights and liberties; or rather that we did nothing to preserve them. Upon these considerations, Brethren, are we induced to treat with you freely upon this subject; which leads us to a particular inquiry into, and observations upon the present state and circumstances of the Colony.

And 1st. We shall all doubtless agree, that the former government of this Colony was in a manner absolute; perhaps more so than any of the united Colonies especially in point of representation, which was solely under the controul of the chief Magistrate of the Colony; and that it was owing to the goodness of the ruler that we did not feel the whole weight of the iron rod, that was thereby put into his hands: and also that the whole intention of the people now is to abolish the old, and form a new Government upon a republican establishment, a design the most noble; a free people governing themselves by their own laws &c. It will also be allowed no doubt, that as the Colony hath formerly been divided into Counties, Towns and districts, for the convenient and regular governing the same, they will still act as such. Therefore, if there was nothing more in the way, we should likewise be agreed to take the necessary step for a remedy in the case, which naturally arises; (viz) as the body is too large and numerous to act individually, that the people elect their Representatives, and appoint them a time and place, to assemble together, for the purpose of laying a foundation or form of civil Government, throughout the Colony. But we are not insensible that there are several objections and embarrassments in the way; and by many, perhaps, thought to be weighty and important; which, if removed, will clear the way for our unanimous proceeding. Therefore, we shall endeavor to consider, and remove them by fair and reasonable observation.

In the first place it will be objected no doubt, that there is now subsisting in the Colony, an Assembly, lately appointed by the people; who have formed themselves into a Council, and House of Assembly (as they stile themselves) and that said Assembly have already formed a plan for electing a new Assembly, this insuing fall, for the then insuing year: And, therefore, it would be preposterous, now to appoint a new Assembly, &c.——To which we answer, 1st. That, at the time, when the members of said Assembly were elected, the reasons, which make it now necessary that an Assembly should be appointed, did not exist: As the reasons for calling said Assembly then, and the purpose, for which they were appointed, was only of a temporary duration; (viz.) to act in the exigences of the Colony, under their distressed and difficult circumstances, as the case might require. No one we believe thought at that time, they were appointed to institute a lasting plan of Civil Government for the Colony; especially, independant of, and in contradistinction to the Crown of Great Britain; therefore they were not elected for the purpose; and consequently have not the power that an Assembly now ought to have.

A former Convention sitting in the Colony elected much as it chanced to happen under our then broken and confused circumstances, assumed to themselves the prerogative to regulate and determine how

and in what manner the present Assembly should be elected, omitting some towns, uniting half a dozen others, together, for the purpose of sending one member only; granting to some the liberty of sending one, and to some towns two, and others three, confining the electors in their choice of a Representative to persons of £200 estate and so on, in that manner, as they of their sovereign pleasure thought fit to dictate, and accordingly thus sent out their precepts; in which way and manner the present Assembly were elected: By which means, many towns are deprived of any representation at all, and many others so in effect: And therefore, the Colony is far from being properly represented. On this point we are acquainted, that those, who are in favour of the present Assembly, have much to say, though we apprehend but little to the purpose. It is argued in the first place, that when there is a number of towns, of which the inhabitants are not more numerous than some one other town, that it is not reasonable they should have a greater number of Representatives—To which we answer, 1. That the number of inhabitants in this case, in point of right, argues nothing in favour of the proposition; for every body politic incorporated with the same powers and privileges, whether large or small, are legally the same. We may with the same parity of reasoning as well argue, that a small body consisting of all the constituent parts of a man, is not a man; because there are others of the same species of a much larger size: Or that a person at the age of twenty one, is not legally capable of acting, because there are others of fifty or sixty, that can do no more.—The arguments may as well be applied in another case as follows, (viz.) That a person, of a large estate in a community, should have the privilege of voting equal to half a dozen others of small estates: Yet we believe even those that are most sanguine for the argument, will not insist upon it; although we cannot see if they gain the first, why they may not the latter. Notwithstanding, we do not deny, but the legislative body may, in point of prudence, grant to the large capital towns in the Colony some greater privileges in this respect, than the other towns have; but to unite half a dozen or more towns together, equally privileged, in order to make them equal to some one other town, is a new practice in politics. We may as well take the souls of a number of different persons and say they make but one, while yet they remain separate and different, as in a political sense to compound a number of different corporate bodies into one, and yet they remain distinct. The very idea destroys their being; but this manner of arguing is only begging the question: For even granting for argument sake, that it is reasonable that some one town in the Colony ought to have as large a part in the representative body, as half a dozen others, or nearly as a whole county; (which is the case in the present Assembly and that County too consists of above forty towns, the most of which are very considerably settled) yet our assertion holds good; (viz.) That no person or body corporate, can be deprived of any natural or acquired right without forfeiture or voluntary surrender, neither of which can be pretended in the present case: Therefore, they who espouse the argument, are necessarily driven to adopt this principle; (viz.) that one part of the Colony hath a right to curtail or deprive the other part of their natural and acquired rights and privileges, even the most essential, without their consent. The argument is so absurd, that we shall only say, that they who advance such doctrines, and maintain them, are rank Tories, in the modern sense of the phrase. If this principle must take place, we had better lay down our arms, and spend

no more precious blood and treasure in the contest; for it is only destroying with one hand, and setting up the same thing or that which is worse with the other; they who will tamely submit to such a government as this, deserves not a cohabitation, amongst a free people. Besides, if there is any reason, why one town should have a greater share of representation than another, it must be done by enlarging their privileges, and not by curtailing the others.

We proceed *2dly*, to take notice of the proceedings of said Assembly, which we think will serve much to the removing the objection. 1. Observe, that the precepts issued out for calling said Assembly, directed the people to elect Representatives to sit in Congress, with power, if thought advisable, to form themselves into a House of Representatives for said Colony; and the first step after they had thus formed themselves, was to elect, principally if not wholly, from among themselves, a certain number, called a Council, thus dividing the representative body into two parts, assuming the title of Council and Assembly of the Colony, &c.—How such a plan of formation came first into consideration, we leave for others to judge: For our part we think, that if it was necessary for part of the representative body to be set apart in that capacity, it was more necessary that they should have, in the first place, appointed some person, whom they might have had to council and advise. We can hardly think, that at the time of their election, the invention of their constituents so fruitful, or that they were by them thus instructed. Perhaps they might think they were imitating a neighbouring Colony, but the case is very different, as the other government acted by ancient practices and charters; but this was by mere institution.

2dly. It appears by their publications, that the next principal step was to settle the plan of representation for the future. Whereby they established their new mode of government; and for this purpose direct the people in the colony, in some future time, to elect twelve persons in the Colony to be a Council, (viz.) Five in the county of Rockingham: two in the county of Hillsborough; two in the county of Strafford: two in the county of Cheshire: and one in the county of Grafton: And as to the representative body, *that* is to be elected in such a way and manner, as the present Assembly shall see cause to direct. This precedent to us, not only appears novel and unintelligible, but alarming; for in all governments where the people elect their Council, they chuse them at large, without restrictions to any particular part of the Colony. It is true, there is a practice in the Massachusetts-Bay, which at first view seems to be somewhat similar, but essentially different; which is this, that upon their receiving their latest charter, there was a union of two antient governments; in settling of which it was stipulated between them, that there should be such a number of counsellors in one, and such a number in the other, and such a number at large; which in no way resembles the present case: And we might with as much propriety limit the Council to particular towns as counties.

2dly. We are at a loss by the modling of this Council, what they would be aiming at. At first view we should conjecture, that they intended to arrange them in such a manner, (according to their plan of representation) as equally to represent the people in the Colony; but when we observe the title they have given them, it appears this cannot be their intention; for by it they not only exclude them from the repre-

sentative body, but even the Assembly itself—stiling them when acting in conjunction with the Representatives, *The Council and Assembly of the Colony*, &c. But we shall leave that matter for their future explanation, and only add, that if they are not part of the Assembly, they ought not to have a political being in the Colony.

3dly. It is alarming, in that it appears from the whole face of the thing, that monopolizing and aggrandisement are the principal objects in view; and that this new mode of government is a little horn, growing up in the place where the other was broken off; for by this plan, the majority of the Council are to be chosen out of a part of the Colony; perhaps not more than one fourth part of the extension of inhabited territory in the Colony: And as the same power that formed the Council are to regulate the representative body, we may depend upon it that their conduct will be all of a piece so as to support their new formed and instituted body; as they have reserved to themselves the power of regulating this matter, as their wisdom and soverign pleasure shall dictate. If they meant to establish a plan for future representation, why was it not put on some equal footing or rule, whereby the people might be able to judge of its propriety, and know when they acted upon it or not? But as the case now is, if any town or number of towns are neglected, or deprived of having a Representative, the only remedy is to go with a petition or complaint to the new erected house, praying for redress &c. And what may be expected for answer? If it is rational it will be this only; that it was not the sovereign pleasure of the former Assembly that you should be represented; which will be a full answer. Pray where is the difference between this establishment and the former one, so much complained of, except that the Governor had the power in the former, and a number of persons in the latter. Much more might be offered, to obviate the objection, but we think what is said already is sufficient: And shall now proceed to some others. *2dly.* It is objected by some, that a large and full representation will be more expensive, and a small number can do the business sufficiently.—To which we answer—by the same parity of reasoning we may say, that one man is sufficient to do the business, which will make a greater saving still, and so put out our own eyes, and trust to others to lead us. But remember, he that gave up his birthright for a small mess of pottage, had his fate into the bargain, that his brother should rule over him.—We believe this objection arises principally for want of a just estimate of so invaluable a privilege—the other Colonies have thought it necessary, and actually made it a precedent, that every incorporated town, or district, should be represented by one member at least, and generally two. And it may be observed, almost universally, that where there is a full representation, the people chearfully submit to whatever is done: But especially, in laying the foundation of government, and establishing a constitution. We think it of the utmost importance, that every inhabited town have the liberty, if they please, of electing one member, at least, to make up the legislative body—As it may be much questioned, if any one distinct corporate body be neglected, or deprived of actual representation, whether, in that case, they are any ways bound, or included by what the others may do: Certainly, if they are considered in a state of nature, they are not: No, not even an individual person. But suppose it should be thought prudent at any time, by the legislative body, to restrict, or lessen the number of representatives; it is absolutely necessary that the whole should be active in the matter, in order to

surrender their privileges in this case, as they cannot be curtailed without.

3dly. It will be objected perhaps by many, that to contend about this matter at the present time, will have a tendency to stir up division and contentions amongst the people, which would be fatal to the common cause, which so much depends upon our union, &c. This objection, at first view, appears important: But upon examination will vanish. We readily agree, that it is a thousand pities, that when we are engaged in a bloody contest, merely to oppose arbitrary power without us, we should have occasion to contend against the same within ourselves; especially by those who profess to be friends of liberty.—We imagine that this objection arises for want of due consideration. We are much mistaken in our views, if we are not proposing that, and that only, which will prevent contentions, and divisions taking place amongst us: And that which will have the most happy effect to unite us in indissoluble bonds of union and friendship. Certainly, if the observations, we have made, are just, the objection must cease in the mind of every reasonable person; for if we consider, that the great object we have in view, for which the present unnatural war is pursued between Britain and us, principally consists in this, that there cannot be any legislation or taxation without representation: Or in more explicit terms, That no person is, or ought to be subject to a law, which he had no hand in making; or to which he hath not given his consent; or that his property cannot be taken from him, but by his voluntarily giving it.—Now if the case under consideration be similar, (which we think very plainly appears) are we not pursuing the same general cause? the only difference is, we are contending against the same enemy within, that is also without: And certainly, if arbitrary power without us, ought to be rewarded with vengeance, that within ought to have seven-fold. Therefore, we are persuaded that every one who is a true friend to the liberties of mankind, and has any sense of his own or posterity's good, will think, that the cause well deserves a serious consideration, and speedy remedy.

If there were no steps taken towards settling a foundation of government in the Colony, we might more easily be excused at so difficult a time, as the present is: But to our surprise we find the plan already laid, and confirmed, as to the most essential part:—by the present pretended Assembly.

4thly. Perhaps it will be said by some, that the proper remedy in this case would be by petition and remonstrance to said Assembly for relief &c. To this we can say, that it was early done by several towns in the Colony; but to no purpose; as the petitions were rejected, and in a manner treated with contempt. Besides, if they represent but part of the Colony, and are not legally constituted, it is absurd to petition them as a legal body, to grant relief, especially, if in doing it they would destroy their own political being. The true state of the case is, that we have no legal power subsisting in the Colony, for the purposes, for which it is now necessary there should be: It is still in the hands of the people, to whom we address ourselves: and whom we call upon, to exercise the rights and privileges they have to erect a supreme legislative Court for the Colony, in order to lay a foundation and plan of government in this critical juncture of affairs: And that we no longer remain, as in a state of nature or anarchy; without law or government. Now is the time, when we may not only act for ourselves, and posterity, freely, and without controul—but we are called upon to do it; and if this opportu-

nity be lost, we shall not have it renewed again, although we may seek it carefully with tears, when it is too late. The time has been, when we have petitioned and prayed to others, for this privilege, but to no purpose: And depend upon it, if we sleep on a little longer, we shall awake up in the like circumstances. As for ourselves, we are determined not to spend our blood and treasure, in defending against the chains and fetters, that are forged and prepared for us abroad, in order to purchase some of the like kind of our own manufacturing.—But mean to hold them alike detestable. Therefore, Brethren, we refer the case, with what we have offered upon it, to your candid perusal—desiring, the same may conduce to the general good of the inhabitants of the Colony; which is the only motive exciting us hereto. And will only add that though we have no desire to dictate in the matter, yet as it is necessary some method be proposed by which the sentiments of different towns may be known to each other, relative hereto; it is our desire in case any town, or number of towns, concur with us in sentiments as herein expressed; that they will communicate the same by letters directed to BEZALEEL WOODWARD, Esq; of Hanover, Clerk of the United-Committees, by whom the foregoing address is published; that we may be able to correspond on the subject; and that some measure may be pursued whereby our invaluable privileges may be secured.

Signed in behalf of the inhabitants of the towns before mentioned, by order of their Committees.

NEHEMIAH ESTERBROOK, *Chairman.*

Hanover, July 31, *A. D.* 1776.

BEZALEEL WOODWARD, *Clerk.*

N. B. The meeting of the above mentioned Committees stands adjourned to the second Thursday in October next, then to be held in the College Hall, in Hanover, at 10 o'clock A. M.

STATE OF NEW HAMPSHIRE.

*The Government and People of said State to the Selectmen of Hanover, in said State, Greeting:**

You are hereby required to notify the legal inhabitants paying taxes in the towns of *Hanover*, *Canaan* and *Cardigan* (giving them fifteen days notice) to meet at some convenient place in your town, to elect one person having a real estate of the value of two hundred pounds lawful money in this State, to represent them in the Assembly, to be held at *Exeter*, on the third *Wednesday* in *December* next, at three o'clock in the afternoon, and to empower such representative, for the term of one year from their first meeting, to transact such business and pursue such measures as they may judge necessary for the publick good. And the person who shall be elected you are to notify that he attend at time and place afore-mention'd.

*See State Pap. N. H., vol. VIII, p. 421.—ED.

And at said meeting, each voter, as aforesaid, on one paper, is to bring in votes for one person, being a reputable freeholder and inhabitant within your County, having a real estate of two hundred pounds, to serve as members of the Council for the year ensuing.

And the Clerk of your town is hereby directed to seal up all such votes under cover, and send them to the house of Mr. *Green*, in Wentworth, in your County, by the second *Wednesday* in *December* next, directed to *Francis Worcester*, *Charles Johnson*, and *Abel Chandler*, a Committee appointed to receive them.

And it is *Resolved*, That no person be allowed a seat in Council or Assembly, who shall, by himself or any person for him, before said choice, treat with liquor, &c. any elector, with an apparent view of gaining their votes, or afterwards on that account.

And make return of this writ, with your doings thereon, into the Secretary's office at Exeter, by the third Wednesday in *December* next.

M. Weare, President,
P. White, Speaker.

By order of the Council and Assembly:

E. Thompson, Secretary.

Exeter, September 30, 1776.

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*Proceedings at Town-meetings.**

Meeting at Hanover.

Hanover, November 27, 1776.

Pursuant to the within precept, we notified the inhabitants paying taxes in the town of *Hanover*, *Canaan* and *Cardigan*, to meet at the Meeting-House in said Hanover, this day, for the purposes within mentioned, who being met passed the following votes, viz:

1st *Voted unanimously*, That the Address of the inhabitants of this and other towns, to the people of the several towns through this Colony, published by their committee in July last, is truly expressive of our sentiments respecting representation, and the unconstitutional formation and procedures of the present Assembly of this State.

2d. *Voted unanimously*, That we will not choose a Representative as directed in the precept issued by the Assembly of this State, for the following reasons, viz:

1. Because no plan of representation is as yet formed in this State consistent with the liberties of a free people, in that the people have not universally had a full representation in any Assembly since the State

* See State Pap. N. H., Vol. VIII, pp. 421–426.—Ed.

was declared independent of the Crown of Great Britain, by which declaration we conceive that the powers of Government reverted to the people at large, and of course, annihilated the political existence of the Assembly which then was; notwithstanding which they have since presumed to act in the name of the people, and in their precept undertake to prescribe and limit the mode of procedure in our choice of a Representative, while it does not appear that they are to be chosen for the purpose of recognizing the rights of the people and assuming such Government as shall be agreeable to them, though nothing of that nature has at any time been done in the State, except a plan formed by the Representatives of a part of this State, by which the whole rights of the people are assumed by that House.

2. Because the precept, in consequence of which this meeting was called, is inconsistent with the liberties of a free people, in that it directs to have different corporate towns (who have a right to act by themselves in all cases) to unite for the purpose of Choosing a Representative and Counsellor.

3. Because it limits us in our choice to a person who has real estate of two hundred pounds, lawful money; whereas we conceive that there ought to be no pecuniary restriction, but that every elector is capable to be elected.

3d. *Voted unanimously*, That the Selectmen be directed to make return of the foregoing vote with the reasons annexed, together with the precept, to the Assembly proposed to be held at *Exeter*, on the third Wednesday in December next.

4th. *Voted unanimously*, That we will not give in our Votes for a Counsellor as directed in the precept.

1. Because we can see no important end proposed by their creation, unless to negative the proceedings of the House of Representatives, which we humbly conceive ought not to be done in a free state.

2. Because every elector ought to have a voice in the choice of each Counsellor (in Cases where they are needful,) and not to be restricted in his Choice to any particular limits within the State. For which reason we protest against any Counsellor being chosen in this County as directed in the precept.

5th *Voted unanimously*, That the Clerk be directed to make return of the last vote, with the reasons annexed, and our Protest, as the Precept directs, relative to vote for a Counsellor.

6th *Voted*, That this meeting be dissolved and it was accordingly dissolved.

Attest: Ichabod Fowler } Selectmen
Thomas Durkee } of Hanover.

Meeting at Lyme.

At a meeting of the inhabitants of the town of Lyme, legally warned, and convened at the house of *Ebenezer Green*, Esq., on Monday the 25th of November, and continued by adjournment to Monday, the 2d of December inst.

1st *Voted* That the pamphlet lately published by the Committee of the towns of Lyme, Hanover, Lebanon and Plainfield, is truly expressive of our sentiments on Representation, and the unconstitutional formation and proceedings of the present Assembly.

2d. *Voted*, That we cannot comply with the precept issued to this town, in Conjunction with five other towns, for choosing a Representative, for the reasons following, viz: Because the present plan of Representation is entirely inconsistent with a free State, where every corporate town hath an undoubted right to act for themselves in choosing a member of the legislative Body; Because the elections are limited to persons of £200 lawful money, real estate, for their choice, whereas every elector in free states is capable of being elected.

3d. *Voted*, That the Clerk be directed to make return of our reasons for our non-compliance to the proposed Assembly that is to sit at Exeter on the third Wednesday of December next.

Voted, That we cannot comply with the direction to the choice of a Counsellor in manner proposed in the precept, for the reasons following: First, Because that in every free State the people have an undoubted right to their voice in the choice of the whole Council, either by themselves or their Representatives; Secondly, Because we cannot see any good proposed by confining the electors to certain limits within the State for their choice.

[4th] *Voted*, That the Clerk be directed to make return of our reasons for non-compliance to the Committee appointed for the receiving of the votes for a Counsellor, and also to enter a protest against the choice.

Test: JONA. CHILD, Town Clerk.

Meeting at Acworth.

The reason why we do not join with the towns of *Unity*, *Acworth*, *Lempster*, *Saville*, *Croydon*, and *Newport*, as we did last year, in choosing a representative, is this, viz: Then we supposed they was to act only upon the present exigencies of the Government; but now the case is much altered. The honorable Continental Congress has declared their independence of *Great Britain*; therefore we think that the present Assembly has not taken right methods in issuing out their precepts for the choice of Representatives and Counsellors for the year ensuing; for, in the first place, they have, as to Representative, in some incorporated towns, allowed two or three Representatives; to others, they have joined five or six towns together; whereas we think every incorporated town ought to be represented by themselves. Then, as to Counsellors, in one County they have ordered five, in some two, and in one County but one, which we look upon not according to liberty; for as this State is but one body, we think they ought to be chose by the people at large. And also they have ordered that neither of these shall have a seat in the Assembly without they have real estate to the value of two hundred pounds, lawful money; whereas we think every lawful elector is a subject to be elected.

Voted, That the above reasons be sent to the Council and Assembly of this State, which is to convene together at *Exeter*, the third Wednesday of this instant, and that the Town Clerk shall sign it in behalf of the town.

This done at a legal town meeting, *Acworth*, December 9th 1776.

THOMAS PUTNAM, Moderator.

A true copy, Attest: Saml Silsby, Town Clerk.

Petition from Inhabitants of Marlow, &c.

To the honourable Council and Assembly of the Colony of New Hampshire to be convened and assembled at Exeter, on the third Wednesday of December instant.

The petition of the inhabitants of the towns of *Marlow*, *Alstead*, and *Surry*, humbly showeth; That whereas, it is the advice and direction of the Continental Congress relative to the assuming Civil Government in this Colony, have advised and directed the Provincial Congress of this Colony, previous to their assuming a form of Civil Government, that they at their Convention do grant warrants for a full and free election of Representatives in this Colony; and whereas various coupling of various towns together in the western parts of the Colony, and allowing but one Representative to a coupling, and we being differently treated from the major parts of this Colony, who are allowed a Representative to each town; and whereas the towns of *Marlow*, *Alstead* and *Surry*, are towns incorporated with all invariable privileges and immunities that any other towns do or may enjoy in this Colony, and being thus coupled together as aforesaid, are abridged or curtailed of the privilege of each individual town electing a Representative, which we humbly conceive cannot be construed to be a full and free election or representation of the said Colony agreeable to the advice of the Continental Congress above recited; we therefore, your humble petitioners, would beseech the honourable Council and House of Representatives, that previous to the further pursuing the plan of Civil Government, that there may warrants be granted for a full and free election or representation of each of the individual towns above-mentioned, pursuant to the advice of the Continental Congress aforesaid: thus shall your humble petitioners, as in duty bound, ever pray.

SAM[l] GUSTIN — WOOLSTON BROCKWAY
ABSALOM KINGSBURY — JONATHAN SMITH.

Committee from Marlow, Alstead and Surry.

Dated Colony of New Hampshire, Marlow, December 11[th], A. D. 1776.

Chesterfield—Instructions.

To Mr. Michael Creasy, Representative for the Town of Chesterfield, in the State of New Hampshire.

SIR:—

Whereas it having pleased Almighty God to humble the people of this land, by permitting the tyrant of *Great Britain* and his minions, in the fulness of their rage, to prevail against them by subverting the Civil Constitution of every Province in his late *American* dominions, affecting thereby the activity of law and justice, and the introduction of vice and profaneness, attended with domestick confusion, and all the calamities attendant on a dissolution of the power of Civil Government, which, in this alarming progress, have made it absolutely necessary for each state to separate itself from that land from whence their forefathers were exiled by the cruel hand of tyranny, and to form for itself, under the ruler of all the earth, such plans of Civil Government as the people thereof should think most conducive to their own safety and advantage: Notwithstanding the importance of an equitable system of Government, as

it affects ourselves and our posterity, we are brought to the disagreeble necessity of declaring, that it is our candid opinion that the State of New Hampshire, instead of forming an equitable plan of Government, conducing to the peace and safety of the State, have been influenced by the iniquitous intrigues and secret designations of persons unfriendly, to settle down upon the dregs of Monarchical and Aristocratical tyranny, in imitation of their late *British* oppressor. We can by no means imagine ourselves so far lost to a sense to the natural rights and immunities of ourselves and our fellow men, as to imagine that the State can be either safe or happy under a Constitution formed without the knowledge or particular authority of a great part of its inhabitants; a Constitution which no man knows the contents of, except that the whole Legislative power of the State is to be entirely vested in the will and pleasure of a House of Representatives, and that chosen according to the Sovereign determination of their own will, by allowing to some towns sundry voices in the said House, others but one, and other none; and in a Council of twelve men, five of which are always to be residents of *Rockingham* County, who by the assistance of two others of said Council, have the power of a casting voice in all State affairs.

Thus we see the important affairs of the State liable to be converted to the advantage of a small part of the State, and the emolument of its officers, by reason of the other part of the State not having an equal or equitable share in the Government, to counterbalance the designs of the other. You are therefore authorized and instructed to exert yourself to the utmost to procure a redress of the afore-mentioned grievances, and in case they will not comply, to return home for further instructions.

SOLOMON HARVEY, per order Com.

Chesterfield, December y^e 12^th^, 1776.

Haverhill and other Towns.

The inhabitants of the Towns of Haverhill, Lyman, Bath, Gunthwait, Landaff and Morristown.

At a meeting legally warned, in consequence of a precept from the Assembly at Exeter, for the purpose of choosing a representative, as also to give in their votes for a Counsellor for the County of *Grafton*, having refused a compliance with said precept, have chosen us, the subscribers, a Committee to return the precept, together with the reasons of their non-compliance: which reasons are as follows, viz:

First. Because no plan of Representation has yet been found in this State consistent with the liberties of a free people: and it is our humble opinion, that when the Declaration of Independency took place, the Colonies were absolutely in a state of nature, and the powers of government reverted to the people at large, and of consequence annihilated the political existence of the Assembly which then was.

Secondly. Because the precept directs to have a number of different towns (who have an undoubted right to act by themselves separately) to unite for the purpose of choosing a Representative and Counsellor.

Thirdly. Because we are limited in our choice of a Representative to a person who has a real estate of two hundred pounds, lawful money; whereas we conceive that every elector is capable of being elected.

Fourthly. Because that no bill of rights has been drawn up, or form

of Government come into, agreeable to the minds of the people of this State, by any Assembly peculiarly chosen for that purpose, since the Colonies were declared independent of the Crown of *Great Britain*.

Fifthly, Because if a Council is necessary, every elector ought to have a voice in the choice of each Counsellor, and not to be restricted to any particular limits within this State.

For which reasons we protest against a Counsellor being chosen in this County, as directed in the precept.

EPHRAIM WESSON
JOHN YOUNG
JOHN CLARK
ELISHA CLEAVELAND
JAMES BAILEY
Committee.

Haverhill, December 13th, 1776.

SECTION V.

VERMONT ASSUMES GOVERNMENT—NEW YORK OPPOSES.

NOTE BY THE EDITOR.

On the 30th of December, 1776, a joint committee of the house and council of New Hampshire was appointed "to take under consideration the difficulties and grievances subsisting and complained of by sundry towns and people in the County of Grafton, & any other towns, respecting the present form of government," &c., and to make report. The committee on the part of the house consisted of Samuel Gilman, Jun., Jos. Whipple, Benj. Giles, Geo. Gains, Timothy Ellis, Daniel Brainerd, John Wentworth, Jun., Christopher Webber, and Thomas Odiorne. On the part of the council, Geo. King, Jonathan Blanchard, and Ebenezer Thompson. On the 3d of January, 1777, the said committee made report to the house "on the affairs of Grafton," in which report conciliatory measures were recommended and adopted, to allay the spirit of discontent among the people; and another committee was appointed to visit the county, and "in the most earnest manner entreat the people to consider the consequences of such internal discords and divisions among ourselves," &c. This latter committee consisted of Hon. Meshech Weare, Benjamin Giles, Esq., and John Wentworth, Jun., Esq. (see State Pap. N. H., vol. VIII, pp. 442, 450), to which committee, subsequently, January 14, Hon. Josiah Bartlett was added (p. 463). What was effected by this committee does not appear; but the condition of the country, in the mean time, seems to have arrested the progress of disaffection in Grafton county, and to have turned attention to measures for their defence against the common enemy. Ticonderoga was surrendered, and Burgoyne's army was on its invading march into the New Hampshire grants. All was alarm and anxiety, so that the border towns east of Connecticut river made earnest application to the New Hampshire

government for help. In the mean time, however, between New York and the people of the New Hampshire grants on the west side of Connecticut river, the controversy was earnestly waged. On the 24th of July, 1776, a convention was held at Dorset, Vt., which consisted of fifty-one members, representing thirty-five towns, which, by adjournment, again met, Sept. 25, 1776, and again, at Westminster, January 15, 1777. At this latter meeting of the convention, it was resolved, no one contradicting, "That the district of land commonly called and known by the name of 'New Hampshire Grants,' *be a new and separate state*; and for the future conduct themselves as such." (See documents in Slade's Ver. Pap., pp. 65–88.) Of this important step, due official notice was given to the continental congress. (See, also, N. Y. Col. Documents, under N. H. Grants.) The action of the Westminster convention, Jan. 15, 1777, led to new complications with New Hampshire. The said convention adjourned, to meet at Windsor July 2, 1777; and then a draft of a constitution was presented, read, and adopted. The convention then adjourned again, to meet at Windsor on the 24th of December, when the constitution was revised, and the day for election of officers under it appointed the first day March, 1778. The first assembly of the new state, called VERMONT, was to be held on the second Thursday of the same month.

The documentary papers, relating to the proceedings above referred to, are found in detail in Slade's Vermont State Papers, pp. 21–66; also, in Governor and Council Rec. Ver., vol. I, App., and in the Colonial Doc. Hist. of New York.

Declaration and Petition of the Inhabitants of the New Hampshire Grants to Congress, Jan. 15, 1777.

[P. 51.] To the Hon^ble^ the Continental Congress:

The declaration and petition of the inhabitants of that part of North America, situate south of Canada line, west of Connecticut River, North of the Massachusetts bay and East of a Twenty mile line from the Hudson's River, containing about one hundred and forty-four townships, of the contents of six miles square each, granted your petitioners by the authority of New Hampshire, besides several grants made by the authority of New York, and a quantity of vacant land:

Humbly sheweth—That your petitioners, by virtue of the several grants made them by the authorities aforesaid, have many years since, with their families, become actual settlers and inhabitants of the said described premises, by which it is now become a respectable frontier to three neighbouring states, and is of great importance to our common barrier Ticonderoga, as it has furnished the army there with much provisions, and can muster more than five thousand hardy

soldiers capable of bearing arms in defence of American liberty:

That shortly after your petitioners began their settlements, a party of land-jobbers in the city and State of New York began to claim the lands, and took measures to have them declared to be within that jurisdiction:

That on the fourth day of July 1764,* the king of Great Britain did pass an order in council, extending the jurisdiction of New York Government to Connecticutt River, in consequence of a representation made by the late Lieuten- [p. 52.] ant Governor Colden, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to said State:

That upon this alteration of jurisdiction the said Lieutenant Governor Colden did grant several tracts of land in the above-described limits, to certain persons living in the State of New-York, which were at that time in the Actual possession of your petitioners; and under colour of the lawful authority of said State did proceed against your petitioners as lawless intruders upon the Crown-lands in their province. This produced an application to the King of Great Britain from your petitioners, setting forth their claims under the Government of New-Hampshire, and the disturbance and interruption they had suffered from said post-claimants under New-York. And on the 24th day of July 1767, an order was passed at St. James' prohibiting the Governors of New York for the time being from granting any part of the said described premises on pain of incurring his Majesty's highest displeasure.† Nevertheless, the same Lieutenant Gov-

* See Prov. Pap. N. H., vol. VII, p. 62.—Ed.

† The following is a copy of the order referred to:

At a court at St. James, the 24th day of July, 1767,

PRESENT

The King's most Excellent Majesty.

Archbishop of Canterbury	Earl of Shelburne
Lord Chancellor	Viscount Talmouth
Duke of Queensbury	Viscount Barrington
Duke of Ancester	Viscount Clarke
Lord Chamberlain	Bishop of London
Earl of Litchfield	Mr. Secretary Conway
Earl of Bristol	Hans Stanley, Esq.

His Majesty taking the said report [a report of the Board of Trade] into consideration, was pleased, with the advice of his private Council, to approve thereof, and doth hereby strictly charge, require and command, that the Governor or commander in chief of his Majesty's Province of New York, for the time being, do not, upon pain of his majesty's highest displeasure, presume to make any grant whatsoever, of any part of the lands described in the said report, until his Majesty's further pleasure shall be known, concerning the same.

A true copy—
Attest

William Sharpe
Geo. Banyar, Dep. Se'cry.

ernour Colden, the Governours Dunmore and Tryon have each and every one of them in their respective turns of administration, presumed to violate the said royal order, by making several grants of the prohibited premises, and countenancing an actual invasion of your petitioners to drive them off from their possessions.

These violent proceedings (with the solemn determination of the Supreme Court of the State of New-York that the Charters, Conveyances &c. of your petitioners' lands were utterly null and void, on which they were founded) reduced your petitioners to the disagreeable necessity of taking up arms, as the only means left for the security of their posses- [P. 53.] sions. The consequence of this step was the passing of twelve acts of outlawry by the Legislature of New-York on the ninth day of March 1774, which were not intended for the State in general, but only for part of the Counties of Albany and Charlotte, viz. such parts thereof as are covered by the New Hampshire charters.*

Your petitioners having had no representation in that Assembly when the acts were passed, they first came to the knowledge of them by the publick-papers in which they were inserted. By these they were informed, that 'if three or more of them assembled together to oppose' what said Assembly called legal authority that 'such as should be found assembled to the number of three or more should be adjudged felons; and that in case they or any of them should not surrender himself or themselves to' certain 'officers appointed for the purpose of securing them after a warning of seventy days, that then it should be lawful for the respective judges of the Supreme Court of the Province of New-York to award execution of Death, the same as though he or they had been attainted before a proper Court of Judicatory.' These laws were evidently calculated to intimidate your petitioners into a tame surrender of their rights, and such a state of vassalage as would entail misery to their latest posterity.

It appears to your petitioners that an infringement of their rights is still meditated by the State of New York, as we find that in their General Convention at Haerlem the second day of August last, it was unanimously voted, 'That all the quit-rents formerly due to the Crown of Great Britain within this State are now due and owing to this

*See Slade's Ver. Pap., pp. 42–48.—Ed.

Convention, or such future Government as may hereafter [P. 54.] be established in this State.'

By a submission to the claims of New-York your petitioners would be subjected to the payment of two shillings and six pence sterling on every hundred acres annually, which compared with the quit-rents of Livingston's, Phillips's and Ransaeler's manors, and many other enormous tracts in the best situations in the State, would lay the most disproportionate share of the publick expense on your petitioners, in all respects the least able to bear it.

The Convention of New York have now nearly complete a Code of laws for the future government of that State, which, should they be attempted to be put in execution will subject your petitioners to the fatal necessity of opposing them by every means in their power.

When the Declaration of the Hon^ble^ the Continental Congress of the 4^th^ of July last, reached your petitioners, they communicated it throughout the whole of their District; and being properly apprised of the proposed meeting of delegates from the several Counties and Towns in the District described in the Preamble to this petition, did meet at Westminster in said district, and after several adjournments for the purpose of forming themselves into a distinct and separate State, did make and publish a declaration, 'That they would at all times thereafter consider themselves as a free and independent State capable of regulating their own internal police in all and every respect whatsoever; and that the people in said described district have the sole exclusive right of governing themselves in such manner and form as [P. 55] they in their wisdom should chuse, not repugnant to any resolves of the Hon^ble^ the Continental Congress;' and for the mutual support of each other in the maintenance of the Freedom and Independence of the said District or separate State, the said delegates did jointly and severally pledge themselves to each other by all the ties that are held sacred among men, and resolve and declare, that 'they were at all times ready in conjunction with their brethren in the United States to contribute their full proportion towards the maintaining and supporting the present just war against the Fleets and armies of Great Britain.'

To convey this declaration and resolution to your Hon^ble^ Body, the Grand representative of the United States, were we, your more immediate petitioners delegated by the united and

unanimous voice of the representatives of the whole body of settlers upon the described premises, in whose name and behalf we humbly pray, that the said declaration may be received and the district described therein be ranked by your Honours among the Free and Independent States, and delegates then admitted to seats in the Grand Continental Congress;—and your petitioners, as in duty bound, &c.

New Hampshire Grants, Westminster,
15th January 1777.

Signed by order and in behalf of the General Convention

JONAS FAY
THOMAS CHITTENDON
HEMAN ALLEN
REUBEN JONES.
} Delegates.

Extract from the Minutes of the Committee of Safety for State of New York.

[P. 57.] In Committee of Safety for the State of New York, Fishkill, January 20th, 1777.

Whereas, until the commencement of the present contest with Great Britain, the inhabitants of Cumberland and Gloucester counties in general submitted to the jurisdiction of this State; many of them obtained grants and confirmations of Title from the late government, and justice was administered by magistrates of its appointment:

And whereas a Spirit of Defection and revolt has lately been extended to those Counties through the arts and misrepresentations of certain people inhabiting the County of Charlotte, distinguishing themselves by the name of the Green mountain boys, and their emissaries:

And whereas the Congresses and Conventions of this State have hitherto contemplated the effects of this dangerous Insurrection with silent concern, being restrained from giving it a suitable opposition by the apprehension that it might at so critical a juncture, weaken our exertions in the common cause:

And whereas the said Insurgents and their Emissaries, taking advantage of the patient forbearance of this State, and flattered by the countenance and strength which they have acquired by being embodied into a regiment under the immediate authority of the Continental Congress, and with-

out the consent or co-operation of this state have lately incited divers of the Inhabitants of Towns within the said Counties of Cumberland and Gloucester to unite with them in assuming a total independence of this State, chusing a [p. 58.] separate Convention, and framing a petition to the Honourable Congress for its sanction and approbation of this unprovoked revolt:—

And whereas the loss of so valuable a territory as is now attempted to be wrested from this State by the violence of an inconsiderable part of its members, who have, during the present war, received liberal allowances out of the publick Treasury for their more immediate protection, will not only oppress the remainder with the payment of the enormous debts which have accrued in the common cause, but must, at every future period, expose this State to be intruded into and overrun, its jurisdiction to be denied, and its authority contemned and set at Defiance:

And whereas, divers ill-disposed persons have, with wicked and sinister purposes, reported that members of the Honourable, the Continental Congress, and other men of Influence and Authority in the neighbouring States do favour and support the Insurrection aforesaid:

And whereas the said ill-disposed persons have also insinuated that the Honourable the Congress do countenance a design of dismembering this State by appointing Seth Warner who hath heretofore been and still continues a principal agent and abettor of the riot and revolt aforesaid, to command the before mentioned regiment:

And whereas the appointment of the said Seth Warner is utterly inconsistent with the usual mode adopted in Congress and approved of in this and the neighbouring States, [p. 59.] and contrary to the express representation in similar case made to the Hon'ble Congress on the 11 day of July last by the Convention of this State:

And whereas such reports and insinuations not only tend to justify the turbulent and disaffected inhabitants of the said Counties, but divers of the good subjects of this State are discouraged from risquing their Lives and Fortunes in the defence of America, while there is reason for apprehending that after all their vigorous efforts and all they have suffered and must continue to suffer for the common cause, and even after a successful period to the present conflict shall have restored Happiness and Security to their

sister States, this State alone may remain exposed to havock, devastation and anarchy, and be deprived of great and valuable Territories to gratify the ambitious, unjust and selfish projects of its disorderly subjects:

And whereas the inveterate foes to the Liberties of America, from the earliest commencement of the present glorious contest have endeavoured to alienate the minds of the good people of this State from the common cause by representing that nothing less than the power of Great Britain can guard their territorial rights and protect their jurisdiction against usurpation and Encroachment; and it is a Truth to be lamented that such representations have proved but too successful, and have now acquired additional Force by reason of the Premises:

And whereas it has become absolutely necessary not only [P. 60.] for the preservation of the authority of this Convention and the confidence and respect of its Constituents; but for the success of the United States, so far as they depend upon or are connected with this Branch of the grand American Confederacy, that proper and vigorous means should be forthwith exerted for vindicating its rights and asserting and securing its jurisdiction; and as a preliminary step to quieting the aforesaid disturbances, removing the jealousies and apprehensions of the good people of this State, and depriving the wicked emissaries of Great Britain of the principal argument by which they hitherto have, and still continue to debauch their minds, and seduce them from their allegiance to this State, and their attachment to the common cause; a suitable application to the Hon'ble the Congress of the United States may be attended with the most salutary effects, and that, in the mean time coercive measures be suspended:

Resolved therefore,

That a proper application be immediately made to the Hon'ble the Congress, to whose justice the said insurgents have appealed, and on whose advice they pretend to rely, requesting them to interpose their authority, and recommend to the said insurgents a peaceable submission to the jurisdiction of this State, and also to disband the said regiment directed to be raised by Col° Warner, as this Convention hath chearfully and voluntarily undertaken to raise a Regiment in addition to the quota designed for this State by Congress; have opened their utmost resources to the wants

and necessities of the American army; have a very great [P. 61.] proportion of their militia now in the field, and are heartily disposed to contribute to the publick service in every respect as far as the circumstances and abilities of the State will permit.

Extract from the minutes
ROBERT BENSON, Sec'ry.

Letter of the Committee of Safety of New York, signed Abraham Tenbroeck, to John Hancock, President of Congress.

Fishkill, 20 January, 1777.

SIR—

I am directed by the Committee of Safety of New York to inform Congress that by the arts and Influence of certain designing men, a part of this State hath been prevailed on to revolt and disavow the authority of its Legislature.

It is our misfortune to be wounded so sensibly, while we are making our utmost exertions in the common cause.

The various evidences and informations we have received would lead us to believe, that persons of great influence in some of our sister-states have fostered and fomented these divisions, in order to dismember this State at a time when by the inroads of our common Enemy we were supposed to be incapacitated from defending our just claims. But as these informations tend to accuse some members of your Hon'ble Body of being concerned in this scheme, decency obliges us to suspend our belief.

The Congress will doubtless remember that so long ago [P. 62.] as in the month of July last, we complained of the great injury done us by appointing officers within this State without our consent or approbation. We could not then, nor can we now perceive the reason of such disadvantageous discrimination between this State and its neighbours. We have been taught to believe that each of the United States is entitled to equal rights: In what manner the rights of New York have been forfeited we are at a loss to discover: and although we have never received an answer to our last letter on this subject, yet we did hope that no fresh ground of complaint would have been offered us.

The Convention are sorry to observe that by conferring a Commission upon Col° Warner, with authority to name the

officers of a regiment to be raised independent of the legislature of this State, and within that part which hath lately declared an Independence upon it, Congress hath given but too much weight to the Insinuations of those who pretend that your hon'ble Body are determined to support these insurgents; especially as this Col° Warner hath been constantly and invariably opposed to the legislature of this State, and hath been, on that very account, proclaimed an outlaw, by the late government thereof. However, confiding in the honour and justice of the great Council of America, we hope that you have been surprised into this measure.

By order of the House, Sir, I inclose you the Resolution upon the important subject of this letter, and am further to observe that it is absolutely necessary to recall the Commissions given to Col° Warner and the officers under him, [p. 63.] as nothing else will do justice to us and convince those deluded people that Congress have not been prevailed on to assist in dismembering a State, which, of all others, has suffered most in the common cause.

The King of Great Britain hath, by force of arms, taken from us five Counties, and an attempt is made in the midst of our distresses, to purloin from us three other Counties. We must consider the persons concerned in such designs as open Enemies of this State, and, in consequence, of all America.

To maintain our jurisdictions over our own subjects is become indispensably necessary to the authority of the Convention; nor will any thing less silence the plausible arguments by which the disaffected delude our constituents and alienate them from the common cause. On the success of our efforts in this respect depends, too probably even the power of Convention to be longer serviceable in this glorious contest. It is become a common remark in the mouths of our most zealous friends, that if the State is to be rent asunder, and its jurisdiction subverted to gratify its deluded and disorderly subjects, it is a folly to hazard their Lives and fortunes in a Contest, which, in every event, must terminate in their ruin.

I have the honour to be
with great respect, Sir,
your most obed[t] and hh[bl] Serv[t].
By order, ABRAHAM TENBROECK, Presd[t].

Hon'ble JOHN HANCOCK, Esq.

Letter from Abraham Tenbroeck to John Hancock, President of Congress, dated

[P. 65.] Kingston, Ulster County 1 March, 1777.

SIR—

The inclosed letters and resolutions were proposed some time since, but for reasons with which you need not be troubled were delayed. Some late proceedings of the disaffected within this State, occasions their being now transmitted.

I am directed to inform you that the Convention are engaged in establishing a firm and permanent system of Government. When this important Business is accomplished, they will dispatch a satisfactory state of their Boundaries, and the principles on which they are founded for the Information of Congress. In the mean time they depend upon the justice of your Hon'ble House, in adopting every wise and salutary expedient to suppress the mischiefs which must ensue both to this State and the General Confederacy, from the unjust and pernicious project of such of the Inhabitants of New-York, as merely from selfish and interested motives, have fomented this dangerous Insurrection. The Congress may be assured that the spirit of Defection, notwithstanding all the arts and violence of the seducers, is by no means general. The County of Gloucester, and a very great part both of Cumberland and Charlotte Counties, continue steadfast in their allegiance to this Government. Brigadier-General Bailey's letter, a copy of which is inclosed,* will be a sufficient proof of the temper of the people of Gloucester County. Charlotte and Cumberland continue to be represented in Convention, and from very late Information, we learn that out of 80 members which were expected to have attended the mock-Convention of the deluded subjects of [P. 66.] this State, twenty only attended.

We are informed by good authority that Col° Warner was directed by the general to send forward his men as he should enlist them, to Ticonderoga; notwithstanding which it appeared by a return from thence not long since, that only 24 privates had reached that post; nor is there the least prospect of his raising a number of men, which can be an object of publick concern, though instead of confining himself to the Green Mountains, as we understand was the intention

*Gen. Bailey's letter has not been found.—ED.

of the Hon'ble the Congress, he has had the advantage of recruiting in Albany and other places.

I have the honour to be, with great respect, Sir,

Your most obedient and h'ble Serv^{t}

By order, Ab^{m} Tenbroeck, Presid^{t}.

Hon'ble John Hancock, Esq.

Order of Congress on the last three mentioned Papers.

[P. 67.] In Congress, 7 April 1777.

A letter of the 20th of January, and one of the 1st of March last from the Convention of the State of New York, with an Extract from the minutes of the Committee of Safety of said State, dated January 20th 1777, were received and read.

Ordered, That they lie on the Table.

Extract from the Journals of Congress.

William Ch Houston, D. Sec'ry.

Order of Congress on the Declaration and Petition of Inhabitants of N. H. Grants.

In Congress, 8th April 1777.

A Declaration and Petition [see *ante*, p. 242] from sundry Inhabitants of the New Hampshire Grants, was received and read.

Ordered, That it lie on the Table.

Extract from the Journals of Congress.

William Ch Houston, D. Sec'ry.

[Note. At this juncture of the controversy, the surrender of Ticonderoga and the invasion of Burgoyne's army rendered it necessary for the new government of Vermont to ask help from New Hampshire.—Ed.]

SECTION VI.

Vermont asks Aid from New Hampshire.

Letter from Ira Allen to the Committee of Safety in New Hampshire urging immediate assistance.

[State Pap. N. H., vol. VIII, p. 632.]

Manchester, 15th July, 1777.

In Council of Safety, State of Vermont.

Gentlemen—

This State in particular seems to be at present the object of Destruction. By the surrender of the Fortress Ticonderoga a communication is opened to the defenceless inhabitants on the Frontier, who, having little more in present store than sufficient for the maintenance of their respective Families, and not ability immediately to remove their effects, are therefore induced to accept such Protections as are offered them by the Enemy: By this means those Towns who are most contiguous to them are under necessity of taking such Protection by which the next Town or Towns become equally a frontier as the former Towns before such Protection;— and unless we can obtain the assistance of our friends so as to put it immediately in our power to make a sufficient stand against such strength as they may send, it appears that it will soon be out of the power of this State to maintain a frontier. This country, notwithstanding its infancy, seems as well supplied [with] provisions for victualling an army as any country on the Continent; so that on that account, we cannot see why a stand may not as well be made in this State, as in the State of New Hampshire; and more especially as the inhabitants are heartily disposed to defend their Liberties. You, Gentlemen, will be at once sensible, that every such Town as accept protection, are rendered at that instant forever incapable of affording us any further assistance; and what is infinitely worse, as some disaffected persons eternally lurk in almost every Town, such become

double fortified to injure their country; our good dispositions to defend ourselves and make a frontier for your State with our own, cannot be carried into execution without your assistance: Should you send immediate assistance we can help you, and should you neglect till we are put to the necessity of taking protection, you readily know it is in a moment out of our power to assist you: your laying these circumstances together, will I hope induce your Honours to take the same into consideration and immediately send us your determination in the Premises.

I have the satisfaction to be your Honours
most obed^{t} and very Hum^{bl} serv^{t}
IRA ALLEN, Sec^{y}.

The Hon^{bl} Council of Safety
State of New Hampshire.

P. S. By Express this moment arrived, we learn that between 3 & 6 Thousand of the Enemy are fortifying at the Town of Castleton—our case calls loud for immediate assistance.

(On Public service.) I. ALLEN.

Letter from Ira Allen, relating to hastening on Troops to Vermont, &c.

[State Pap. N. H., vol. VIII, pp. 633, 634.]

Manchester, 15th July, 1777.

In Council of Safety, State of Vermont.

To all Militia Officers whom it may concern:

This is the second and perhaps the last Express we may be able to send you from this post. Your immediate Assistance is absolutely necessary: a few hundred militia troops to be joined to our present strength would greatly add to our present encouragement; as, by very late information we learn that a large scout of the enemy are disposed to take a Tour to this Post, the inhabitants with their families cannot be quieted without an assurance of the arrival of troops directly for their assistance: You will please to let us know your determination without delay.

The Continental Store at Bennington seems to be their present aim. You will be supplied with provision here on

your arrival. Pray send all the troops you can possibly raise. We can repulse them if we have assistance.

I have the honor to be
your most obed^{t} Hum^{bl} Serv^{t}
By order of Council, IRA ALLEN, Sec^{y}.

Letter from Meshech Weare, in answer to Ira Allen asking assistance as above.

[Slade's Ver. State Pap., p. 80.]

Exeter, July 19, 1777.

SIR—

I was favoured with yours of the 15th inst. yesterday by express, and laid the same before our General Court who are sitting.

We had, previous thereto, determined to send assistance to your State.* They have now determined that a quarter part of the Militia of twelve regiments shall be immediately draughted, formed into three battalions, under the command of Brig. Gen. John Stark, and forthwith sent into your State, to oppose the ravages and coming forward of the enemy; and orders are now issuing, and will all go out in a few hours to the several Colonies for that purpose. Dependence is made that they will be supplied with provisions in your State; and I am to desire your Convention will send some proper person or persons to Number Four, by Thursday next, to meet Gen. Stark there, and advise with him relative to the route and disposition of our Troops, and to give him such information as you may then have, relative to the manœuvres of the enemy.

In behalf of the Council and Assembly,
I am, Sir, your most obedient humble servant,
MESHECH WEARE, President.

Ira Allen, Esq. Secretary of the
State of Vermont.

[NOTE. The fortunate result of the assistance rendered in this emergency, by the victory of Stark at Bennington on the 16th of August ensuing, is matter of history. Subsequently, the rigorous views of the government of New York seem to have been much softened, as appears by the proclamation of Gov. Clinton, which follows.—ED.

* By mistake, the order to Gen. Stark, dated July 19, 1777, was printed, in N. H. State Pap., vol. viii, p. 310, "July 19, 1776."—ED.

Proclamation of Governor George Clinton of New York, February 23, 1778.

[See Slade's Ver. State Pap., pp. 82–84.]

By his Excellency GEORGE CLINTON, Esq. Governor of the State of New York, General of all the Militia, and Admiral of the Navy of the same.

A PROCLAMATION.

L. S. WHEREAS the Senate and Assembly of this State, did by their several resolutions, passed the twenty-first day of this instant month of February, declare and resolve, That the disaffection of many persons, inhabiting the north eastern parts of the County of *Albany*, and certain parts of the Counties of *Charlotte*, *Cumberland* and *Gloucester*, clearly included within the ancient, original, true and lately established bounds of this State, arose from a contest about the property of the soil of many tracts of land, within those parts of the said counties respectively:

That the said contest was occasioned, partly by the issuing of divers interfering patents or grants, by the respective Governments of *New York* on the one part, and those of *Massachusetts* Bay and *New Hampshire* on the other, antecedent to the late establishment of the eastern boundary of this State; partly by an higher quit-rent reserved on the said lands when re-granted under New-York, than were reserved in the original grants under New Hampshire or Massachusetts Bay, and the exorbitant fees of office accruing thereon; and partly by a number of grants made by the late Government of New York, after the establishment of the said Eastern boundary, for lands which had been before granted by the Governments of New Hampshire and Massachusetts Bay, respectively, or one of them; in which last mentioned grants by the late government of New York, the interest of the servants of the Crown, and of new adventurers, was, in many instances, contrary to justice and policy, preferred to the equitable claims for confirmation, of those who had patented the lands under New Hampshire or Massachusetts Bay:

That the aforesaid disaffection has been greatly increased, by an Act passed by the Legislature of the late Colony of New-York, on the ninth day of March, in the year of our Lord one thousand seven hundred and seventy-four, entitled, "An act for preventing tumultuous and riotous assemblies in the places therein mentioned, and for the more speedy and effectual punishing the rioters:"* That many of the aforesaid disaffected persons, though unjustifiable in their opposition to the authority of this State, labour under grievances, arising from the causes above mentioned, which, in some measure, extenuate their offence, and which ought to be redressed:—

That, therefore, the Legislature of this State, while on the one hand, they will vigorously maintain their rightful supremacy over the persons and property of those disaffected subjects, will, on the other hand, make overtures to induce the voluntary submission of the delinquents:—

That an absolute and unconditional discharge and remission of all

* See Slade's Ver. Pap., pp. 42–48.—ED.

prosecutions, penalties and forfeitures, under the above-mentioned Act, shall be an established preliminary to such overtures; which overtures are as follows, viz.—

1st. That all persons actually possessing and improving lands, by title under grants from *New Hampshire* or *Massachusetts Bay*, and not granted under *New-York*, shall be confirmed in their respective possessions.

2d. That all persons actually possessing and improving lands, not granted by either of the three Governments, shall be confirmed in their respective possessions, together with such additional quantity of vacant land, lying contiguous to each respective possession, as may be necessary to form the same into a convenient farm; so as the quantity to be confirmed to each respective person, including his possession, shall not exceed three hundred acres.

3d. That where lands have heretofore been granted by New *Hampshire* and *Massachusetts*-Bay, or either of them, and actually possessed in consequence thereof, and being so possessed, were, afterwards, granted by *New-York*, such possessions shall be confirmed; the posterior grant under New-York, notwithstanding.

Provided always, That nothing in the above regulations contained, shall be construed to determine any question of title or possession, that may arise between different persons claiming under New Hampshire or Massachusetts-Bay, or between persons claiming under New Hampshire on the one, and under Massachusetts-Bay on the other part independent of any right or claim under New-York.

4th. That, with respect to all such cases, concerning the aforsaid controverted lands, as cannot be decided by the rules exhibited in the aforegoing articles, or some of them, the Legislature of the State of *New-York*, will provide for the determination of the same, according to the rules of justice and equity, arising out of such cases respectively, without adhering to the strict rules of law.

5th. That in all cases, where grants or confirmations shall become necessary, on acceptance of the above overtures, such grants or confirmations shall issue to the grantees, at, and after, the rate of five pounds for a grant or confirmation of three hundred acres or under; and for every additional hundred acres, the additional sum of sixteen shillings; except in cases, where lands shall be granted or confirmed to divers persons in one entire tract; in which case, the grants shall issue, respectively, for fifteen pounds each; which allowances shall be in lieu of all other fees or perquisites whatsoever.

6th. That whenever, agreeable to the above regulations, new grants or confirmations shall become necessary under this State for lands hitherto granted by *New Hampshire* or *Massachusetts-Bay*, the same quit-rent only shall be reserved, which was reserved in the original grants under New Hampshire or Massachusetts-Bay.

7th. That where lands, heretofore granted by New Hampshire or Massachusetts Bay, have been, since, confirmed to such grantees by new grants under New York, the quit-rents on such lands, shall be reduced to what they were in the original grants under New-Hampshire or Massachusetts-Bay.

8th. That in order to encourage the settlement of the aforesaid disputed lands, in a peaceable subjection to the authority and jurisdiction of this State, and also of all other lands held within and under this State, the following commutation for quit-rents shall be allowed, viz:—

That on payment, at the rate of two shillings and six pence, lawful money, of this State, into the treasury of this State, for every penny sterling of quit-rent reserved; or, on delivering into the same, of seventeen times the quantity of grain or other commodity reserved for such quit-rent, the same shall thence forward be utterly discharged, and forever cease and be extinguished.

That these overtures should be offered with a view, not only to induce the aforesaid discontented inhabitants of the Counties of *Albany*, *Charlotte*, *Cumberland* and *Gloucester*, to return to a lawful and rightful obedience to the authority and jurisdiction of this State, but also in favor of all others whom the same may concern: and to be of no avail to any person or persons whatsoever, who shall, after the first day of *May* next, yield or acknowledge, any allegiance or subjection to the pretended state of *Vermont*, the pretended government thereof, or to any power or authority pretended to be held or exercised thereunder.

That the foregoing overtures, on the condition above expressed, be tendered for acceptance to all persons, to whose care the same, or any or either of them, do or shall apply, upon the public faith and assurance of the legislature and government of the State of *New York*, pledged to such person and persons for the purpose.

That the several branches of the Legislature of the State of New York, will concur in the necessary measures for protecting the loyal inhabitants of this State, residing in the counties of *Albany*, *Charlotte*, *Cumberland* and *Gloucester*, in their persons and estates, and for compelling all persons, residing within this State and refusing obedience to the government and legislature thereof, to yield that obedience and allegiance, which by law and right, they owe to this State.

And whereas, The said Senate and Assembly of this State of New-York, have also, by their resolution, requested me to issue my Proclamation, under the privy seal of this State, reciting their aforesaid declarations and resolutions, and strictly charging and commanding all manner of persons in the name of the people of the State of *New-York*, to take due notice thereof, *at their peril*, and govern themselves accordinly:

I DO THEREFORE *hereby, in the name of the people of the State of New York*, publish and proclaim the aforesaid declarations and resolutions: and I do hereby, strictly charge and command all manner of persons within this State, at their peril, to take due notice of this Proclamation, and of every article, clause, matter and thing therein recited and contained, and to govern themselves accordingly.

Given under my hand, and the privy seal of the State of New York, at Poughkeepsie, in the County of Dutchess, the twenty-third day of February, in the year of our Lord, one thousand seven hundred and seventy-eight.

GEO. CLINTON.

GOD SAVE THE PEOPLE.

[NOTE. The foregoing proclamation was not accepted by the people of Vermont. An able answer was made to it by ETHAN ALLEN, in August, 1778. (See Slade's Ver. State Pap., pp. 85–88.)—ED.]

NOTE.

About this time a pamphlet appeared, signed "Republican," which advocated and recommended the formation of a new state, to be composed of towns on both sides of the Connecticut river, whose centre or capital should be DRESDEN. The following is an exact copy of said pamphlet (which is very rare), found in the library of the Massachusetts Historical Society, Boston:

[Title-page.]

OBSERVATIONS ON THE RIGHT OF JURISDICTION CLAIMED BY THE STATES OF NEW YORK AND NEW HAMPSHIRE, OVER THE NEW HAMPSHIRE GRANTS (SO CALLED) LYING ON BOTH SIDES OF *Connecticut-River*. IN A LETTER TO THE INHABITANTS ON SAID GRANTS.

DANVERS: Printed by E. RUSSELL, at his printing—[cut off in trimming]. MDCCLXXVIII.

FRIENDS AND FELLOW CITIZENS.

MY acquaintance with Your Political State and circumstances, and of the difficulties attending You, induces me to present You with the following Remarks and Observations, which, according to my apprehension, may serve in some measure to point out the way for a removal of them: And as my only design is to promote the Public Good, if it should have that effect, it will much more than compensate Your real Friend for his little pains.—You will observe, I have proposed to consider the Right of Jurisdiction claimed over You by the States of *New York* and *New-Hampshire*.—In prosecuting which I shall begin with the Origin of that Jurisdiction, and pursue it down to the present time.

SHALL therefore begin by taking notice "that *King James* the First, by his Patent, dated November 3d, 1620, incorporated the Duke of *Lenox*, the Marquisses of *Buckingham* and *Hamilton*, The Earls of *Arundel* and *Warwick*, Sir *Fernando Gorges*, and thirty-four others, by the name of the Great Council, established at *Plymouth*, in the County of *Devon*, for the planting, ruling, ordering, and governing of *New-England*, in *America*."———And grants to them and their successors and "assigns all that part of *America* lying and being in breadth from the 40° of northerly latitude from the equinoctial line to the 48° of the said northerly latitude inclusively, and in length of and within all the breadth aforesaid throughout the main lands from sea to sea, together also with all the firm lands, soil, grounds, havens, &c.———Provided always, that the said islands or any the premises by the said letters patent intended and meant to be granted be not actually possessed or inhabited by any other Christian Prince or State."

THIS Great Council established at *Plymouth* as aforesaid soon granted

all the lands contained in their said Grant (as they supposed) to the several *New-England* Colonies, and resigned their Grant into the King's hands; and among the several grants they made, they granted to the ancestors of *Robert Mason*, Esq; his heirs, &c. a tract of land about twenty-four miles on the sea shore, extending back into the Country about sixty miles, commonly called *New-Hampshire*; which lands on the easterly part of them next to the sea soon began to settle, but were much prevented by the Indian wars, and the settlers were under no regular form of Government, except that the *Massachusetts-Bay* in some measure exercised Jurisdiction over them.——In this situation they continued until after the restoration of Charles the Second, and in the sixth year of his reign a commission was granted to *John Cutts*, Esq; President of the Council established for the ruling and governing of said *New-Hampshire*, bounding it as follows, *viz.* "Lying and extending from three miles northward of *Merrimack*-River, or any part thereof, unto the province of Maine (No. "E.") "—Afterwards, in said commission there is this further clause, *viz.* "And it appearing unto Us that the ancestors of *Robert Mason*, Esq; obtained Grants from our Great Council of *Plymouth* for the tract of land aforesaid, and were at great expence upon the same," &c.——Whereby it appears that said province of *New-Hampshire* as it was then bounded, and the grant to the said *Mason* was one and the same tract of land; under which form of Government said province of *New-Hampshire* continued until a commission was granted to *Benning Wentworth*, Esq; enlarging the extent of said province by including all the lands in said Grants on both sides of *Connecticut*-River, with power of granting them in the name of the King; and also right of Jurisdiction over the whole; which Governor *Wentworth* granted great part of those lands included in said Grant previous to the sixth year of the reign of *George* the third, when his said commission was revoked, and a commission granted to *John Wentworth*, Esq; to preside Governor over the same extent of Territory; who continued in his seat of government until the commencement of the present war, and then left it vacant.—These commissions are all the Grants that were ever made or given to said province of *New-Hampshire* relative to their Civil Government; and were held subject to alteration or revocation at the pleasure of the Crown: And the said *John Wentworth* while he presided Governor as aforesaid granted the remainder of the lands on said Grants; and in consequence thereof the Grantees have entered upon them and cultivated and improved them, extending from said former province of *New-Hampshire*, or said *Mason's* westerly line westward to *Lake-Champlain* or thereabouts; southerly to the north line of the *Massachusetts-Bay*; northerly to the *Canada line*, and easterly to the province of *Main*.

THESE Grants remained under the Government of *New-Hampshire* until about the year 1764; when a determination of the Lords of the Board of Trade and Plantations was obtained by the Province of *New-York*, that the Jurisdiction of the Grants west of *Connecticut-River* should be under *New-York*; at the same time confirming and approving those Grants by Governor *Wentworth* as aforesaid.

IN this situation the Government on those Grants continued until the commencement of the present war; since which the several Conventions and Assemblies of the State of *New York* claim Jurisdiction over those Grants west of *Connecticut-River*, and the Conventions and Assemblies of the State of *New-Hampshire* claim Jurisdiction over the Grants east

of said River, nothwithstanding the refusals to submit and repeated remonstrances against said claim.——In order therefore to examine the justice of them, it will be necessary to consider them distinctly and apart.

And First,—All the right that ever *New York* had, either to the Soil or Jurisdiction of those Grants west of *Connecticut-River*, came by virtue of the Royal Grant to the Duke of York; this is the only basis of the extent of said Province or State of *New-York*, except the decree of the Board aforesaid. It will be necessary therefore in this inquiry to recite part of said Royal Charter, so far as it relates to the bounds and limits thereof, together with date, &c.——But before we proceed shall take notice that at the time of the Grant made by King *James* to the Council established at *Plymouth* as aforesaid, the *Dutch* and *Sweeds* were in possession of *New-York*, *Albany*, and part of the *Jersies*: and about that time or a little after and before 1653 there was a settlement of some *French* at a place called St. *Croix* near to *New-Scotland* (alias) *Nova-Scotia* (and a few families of *Dutch* settled at *Hartford* on *Connecticut-River*, which settlement at *Hartford* was evacuated long before the Grant to the Duke of *York*, and all pretensions to any claim on *Connecticut-River* given up.) I now proceed to observe that 1664 (there being a war between the *English* and *Dutch*) King *Charles* meditated sending a force to cause the Dutch to surrender the lands by them possessed on *Hudson's River*, and on the 12th of March, 1664, by his letters patent "Gave and granted to his Royal Brother *James*, Duke of *York* all that part of the main-land in *New-England*, beginning at a certain place called and known by the name of St. Croix next adjoining to *New-Scotland* in *America*, and from thence extending along the sea coast unto a place called Peroniquie or *Pieniquid* and so up the River thereof to the furthermost head of the same as it tendeth northward, and extending from thence to the River Kenebeque and upward by the shortest course to the River *Canada* northward; and also all that island or islands commonly called by the several name or names *Mattawacki* or *Long Island*, situate, lying, and being toward the west of *Cape-Cod* and the *Narragansett*, abutting up the main land between the two Rivers there called and known by the names of *Connecticut* and *Hudson's-River*, and all the land from the west side of *Connecticut-River*, to the east side of *Delaware-Bay*.——And also all those several islands called or known by the names of *Martin's-Vineyard* and *Nantucks*, otherwise called *Nantucket*, together with all the lands, soils, islands, &c. and all the estate, right, title, interest, benefit, advantage, claim and demand of, in, or to the said lands and premises, or any part or parsels thereof."——'And at the same time gave a commission to Colonel Richard Nichols to dispossess the *Dutch* and take possession thereof in behalf of his Brother the *Duke* of *York*, which was accordingly executed in the month of August 1664, and Colonel Nichols remained in the Duke's Government three years, and in June 1670 the *Dutch* Government was again revived and continued until 1674 on a treaty of peace signed at Westminster in February. The *English* Government was restored, and on the 29th of June 1674 his Royal Highness the Duke of *York* obtained from the King a new Patent of the same lands and territories in the same words with the former differing only in the date.'

Having thus far recited the bounds and limits of the Grant to the Duke of *York* which is all that can be claimed in favor of the present State of *New-York*, as to the extent of their Jurisdiction as being

patentees or Assignees to the Duke, I shall now proceed to consider in a legal and rational point of light, and show that by a fair construction it cannot be supposed to include those Grants or any part of them west of *Connecticut-River*.—Therefore, in the first place take notice that two thirds or more of the lands and territories literally contained in the Duke's Grant were so obviously absurd (as to its holding them) that all pretensions of claim to them have been laid aside from the beginning; and scarcely any part thereof is holden according to the literal and express words of the Grant.—This therefore makes it necessary to inquire upon what principle or construction they do or can hold?—I answer by the reserve made in the Grant of King *James* to the Council established at *Plymouth* as before recited, *viz.* "All lands, &c. *in the possession of some other Christian Prince or State;*" and had it not been for this proviso or reserve the Duke would have taken nothing by his Grant: For all except this was granted to the Council of *Plymouth*, and by them regranted, &c.—Therefore the fair construction of the grant must be that it includes all the lands within the limits of *New-England* that were in the possession of *some Christian Prince or State other than the King of England* at the time of granting to the Council of *Plymouth* as aforesaid, and no more.—Consonant to this construction has been the practice and proceeding of all parties concerned from the beginning: To this we may observe that the subduing the *Dutch* in order to obtain possession for the Duke was as early and even coeval with the Grant itself.—And when the *Dutch* had revolted from under the *English* government and were a second time brought under subjection the Duke applied for a second Grant of the same land which plainly shews he was apprehensive that his first Grant was lost by the revolt of the *Dutch*; and also that the lands they were in possession of, and which they claimed, were the lands and territories contained in his Grant: agreeable to this have been all the settlement of the limits and boundaries of this Grant by the Duke, his Patentees, or Assignees with the other Colonies adjoining to them from first to last.—Also the bounds and extensions of this Grant clearly show that this was the intent of it. —For observe, the Grant expressly extends to every part of *New-England* where there had been any settlement of any foreign nation, though ever so remote from the main object, *viz. New York*; which cannot be rationally accounted for but upon this principle, *viz.* to include all the lands that were reserved as aforesaid. MUCH more might be said to establish this construction of the Grant, but I think what has been assigned is sufficient, at least for my present purpose: And therefore shall only observe, that if this construction be true, and there was no settlement or claim of the *Dutch* or any other Christian Prince or State other than the *English* on or near *Connecticut-River* at the time of granting to the Council of *Plymouth* or the Duke of *York* there can be no pretensions of extending said Grant to *Connecticut-River* or any part thereof.

I SHALL observe once more, that even by the literal expressions in said Grant or Patent it cannot be supposed to include those lands: for the only clause in said Grant that can be pretended to include the lands on which said Grants are is this, *viz.* "And all the land from the west side of *Connecticut-River* to the east side of *Delaware-Bay*."—Now all the lands that may be fairly said to lie between those two extremes may be said to be included by that clause, and those lands which cannot be said to lie between those boundaries cannot be said to be included,

although they may be said to lie west of *Connecticut-River:* For observe by the expression they must lie east of Delaware-Bay as well as west of *Connecticut-River*.—Therefore for trial's sake let us suppose a line drawn from the mouth of *Connecticut-River* to the east side of *Delaware-Bay* even to the northern extent of it.—This I believe without dispute would leave all, or nearly all the lands on the main west of *Connecticut-River* to the north: this construction therefore won't answer: Then let us suppose a line drawn from the head of said River to the east side of *Delaware-Bay*, and then the lands on those Grants will still lie westward, and not be included: There is therefore but one way that I can possibly think of that will comport with the phrase and include the lands in question; and that is to extend *Delaware-Bay* in the same degree of longitude that it is now in as far north as the head of *Connecticut-River*, and then all the lands west of *Connecticut-River* and east of *Delaware-Bay* would be included by that clause so as to take in the lands on the said Grants; such a construction every unbiassed mind will reject.—I shall therefore dismiss this point relative to the right of Jurisdiction merely by the extent of said Grant, and proceed to the consideration of it in a different view: For whether the lands on those Grants are included in the Grant to the Duke of *York* or not, the fee of them has been granted by the Crown to the present Grantees and since confirmed to them: so that Jurisdiction is the only matter in dispute. The light in which I shall now consider this right is relative to the decree of the Lords of Trade and Plantation before-mentioned, which, I suppose, is the greatest right that can be urged in favor of the claim. And in this point of light I consider all the grants upon equal footing: For as to any connexions by grant or charter either with the State of *New-York* or *New-Hampshire*, I have observed there is none, except royal commissions to Governors in the one case, and a decree of the Lords in the other, that can be challenged as giving them a right to exercise Jurisdiction in this case. Let us therefore consider what the nature and design of these commissions to exercise Jurisdiction over particular territories and extent of lands are.

1st. They are altogether exparte without the privity, knowledge, or consent of the People governed; for they never know by whom or in what manner they are to be governed until the commission be published.

2d. They are held only at the pleasure of the Crown; and that too by being liable to alteration at any time as the Crown shall see fit.

3d. It is an express command to the subjects to submit and obey; this is all the People can claim any right to: In short it amounts to this; do you A. B. or C. exercise government or rule over my subjects in such a place during my pleasure according to such and such rules, and such others as I shall give you from time to time; and do you my people as subjects obey according.—I ask in this case what act or choice the people have in this jurisdiction any more than a company of slaves have in a plantation under the government of one driver to-day and a new one to-morrow? Those who think this is pointed too high are desired to read either of those Governor's commissions at their leisure.——Therefore what absurdity is it to urge that since this oppressive arm of power is broken, and the oppressed set at liberty to govern themselves, that therefore one part has right of Jurisdiction over the other part merely because they were once under the same master by mear compulsion; that this is the case relative to the People on these Grants is clear and indisputable, for this Jurisdiction has been changed

twice if not three times in the course of twelve or fourteen years without the least of their privity or consent. Such Jurisdictions as these therefore never bind a people together any longer than the force that first compelled continues over them, and when that ceases they in point of social compact revert to a state of nature. No part in this case can claim right of Jurisdiction over the other without claiming power from the same fountain. One thing more enters into the consideration of this right which I shall take notice of in this place; and that is the local situation of the people in a particular state or Jurisdiction: when they are so situated that they cannot attend upon the matter of Government that concern them with any tolerable convenience, it becomes necessary for an alteration of the extent of such Jurisdiction. Otherwise the design of Government would be entirely frustrated. I know in governments when the people had little or nothing else to do but to obey Royal Mandates, &c. the more remote they were from the seat of government the better; but in Republican States it is otherwise, there every one has more or less to do, and therefore ought to be so situated that he can act his part, otherwise he has no share in the Government. When any part of a State is so situated that the Inhabitants cannot attend upon the matter of Government within the State with any tolerable degree of convenience, this ill effect will always follow, *viz.* That they will grow remiss and negligent, and thereby expose themselves to be overreached and oppressed by the other part.

From what has been said therefore relative to the right claimed by *New-York* and *New Hampshire* over the said Grants on account of these Royal Commissions or Impositions, it is clear and plain that it is altogether founded in force and compulsive power, and not in compact and agreement, which power upon the Declaration of Independence of the United States became null and void, and therefore, there being no compact or agreement of the People whereby they became united with either of those States, they in that case reverted to a State of nature as to Government, and stand entirely unconnected with them. This being the case necessity, the Providence of God, your own interest and prudence call upon you to put yourselves into a state of Government either by connecting with some State already formed, or by erecting yourselves into a new and distinct State. If you have already pursued all reasonable measures for a Union with some other State to no effect, or your local and other circumstances are such as render it extremely difficult if not impracticable to be united with any State already formed, your indispensible duty is to form yourselves into a distinct State, and that without delay. The common cause in which we are all embarked, your interest, and especially that of the orphan and widow, and your morals suffer by the delay.—But doubtless there will be objections arising in the minds of some against proceeding at this time: I will therefore endeavor to mention the most material and answer them. And

1st. It will be objected that you are not of sufficient ability to support and maintain Government.—To this I would only say, you are much more able in any respect than any of the United States were when they first began their respective Governments.

Objection 2d. We have not yet fully established our Independence; let us finish that matter first, and then see about erecting new States, &c.—To this I would answer, The only way to vanquish our inveterate Enemy and support our Independence is first to regulate and settle

matters at home; for while things remain in confusion among ourselves, we may expect they will be so throughout: Hence ariseth the difficulty of raising our army, equiping, cloathing them, &c.—And further as the United States are all settled and settling their plans of Government, for you to be still or in part to act with them until all things are settled, and then break off and set up a new State would be imposing upon and dealing deceitfully with them: Besides you will thereby give up your natural right of forming into a State of Government, and lie at the will of those with whom you have acted whether you shall have the liberty or not.—Therefore now is the time either to go forward and act on the affair or give up all pretensions of ever doing anything about it hereafter. In addition to this you may be assured that whoever lives to see matters abroad fully settled respecting the present dispute will also see greater altercations and sharper contests about our internal police and domestic affairs, if they remain unsettled until that time, than we have yet seen, or men and things will be much altered from whatever they have been.

But I pass to another Objection, *viz.* That there is no supreme power yet erected by the United States to make and grant Jurisdiction to any new State, and therefore it cannot now be done.—I answer it is true there is no such power yet erected, and I pray God there never may be; for should there be such a power established, these Republican States would thereby become a Monarchy.—It will be asked then, why was it that all States or Bodies Politic heretofore obtained Jurisdiction from the Crown before they pretended to exercise Government? And if necessary then why not now from some supreme power? The reason is this, the King of *Great-Britain* was Lord of the fee, and Chief Magistrate of all executive power throughout his Dominions; therefore all Government was exercised in his name and by his authority. This will therefore lead us to inquire from whence this power of Jurisdiction must now arise? I answer from the People who are to be the subjects of this Government, the true and Original Source of all Government, there is nothing more or less that can give one man right to rule and exercise Government over another but his agreement and consent thereto; therefore all that is necessary to give any body of men power or right to exercise Government in and over themselves, is their mutual compact and agreement for that purpose.—When this is done they have all the power they can or ever will have from any true source or fountain; nay they are not under the necessity of asking liberty of any other power thus to confederate together, &c.—Neither is there any power on this Continent (except Lord or General *Howe*) that will pretend either to give leave or forbid in this case; therefore the objection is of no force.—It will be asked then whether upon a new State being formed on this Continent or (we will say) on these Grants, they have anything to do with the United States in order to be a complete State for Civil Government? I answer as to their internal police or Civil Government simply considered they have not; but in a relative sense they have; and in this way, when they once become a distinct State or Body Politic then they are a proper member or body to be treated with and received into Union and Confederation with this great and Aggregate Body, and not before: In this way only can they become one of the United States, *viz.* by the United States agreeing to receive, and the particular State agreeing to unite with and submit to the terms and conditions of this Aggregate Body. Thereby they become a proper subject of its controul and Government.

—Thus you may plainly see that all Government from the highest to the lowest is founded in compact. But methinks these observations will produce the curiosity to know in what point of light this particular State would be considered, when formed and presented to the United States for acceptance, should it then be rejected? I answer the United States would treat them as a neighbor according to their behavior: For although they should not receive them they cannot in justice annihilate them, because they having never been connected with them, are not under their power or controul. Therefore if they behave as an honest Neighbor they will treat them accordingly, but if their conduct should be inimical to the United States they will be treated as enemies. This doubtless would be the case.

Thus, Gentlemen in a brief manner I have endeavored to point out your political situation and circumstances, and your duty relative thereto. I shall therefore close with a word of advice; and that is, if you should think it expedient upon what has been observed to proceed in forming a distinct State, by all means be unanimous and consider yourselves on these Grants as being all on the same foundation. Act together as one collective body so situated by the Providence of God, as clearly point out the necessity and convenience of your being united in a distinct State.—Therefore divisions among yourselves either by rivers, mountains or the like may prove fatal; especially in respect to your acceptance and approbation by the United States, &c. Much will depend on your joint and unanimous proceedings; I therefore submit the whole to your candid perusal:

And am, Gentlemen,

Your most obedient and humble servant,

REPUBLICAN.

January 6, 1778.

POSTSCRIPT.

Containing Observations wrote since the Publication of the Articles of Confederation of the United States of America.

Since my finishing the foregoing I have had opportunity to peruse the proposed Articles of Confederation of the United States, and think it necessary to make some Observations on the second and ninth articles, which I conceive are of importance to consider, especially as to the proper time for your Uniting and forming into a distinct State, &c. —You will take notice that by the second article "Each State is to retain its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by the Confederation expressly delegated to the United States in Congress assembled."

You will observe also that in the ninth article provision is made for the hearing and determining matters of dispute between any two or more States relative to Jurisdiction, boundary, or any other matter whatever; but no provision for Congress to hear or determine any matter of dispute between one part of a State and the other; but are prevented by the second article.—Neither is there any provision for Congress to interpose relative to dividing any State or States, for the purpose of erecting a new State or Jurisdiction, or of transferring any part of one to the Jurisdiction of another, &c. This matter is left to each particular State

to determine as they shall think proper: This is agreeable to what I before observed, that as to erecting particular States or Jurisdictions the United States in Congress had nothing to do, neither would they intermeddle in those matters.—Therefore all the particular States as to their Powers, Jurisdictions, and Rights as they are or will be when the Confederation takes place and Government is settled in the respective States will be unalterably established and must so remain as long as the Confederation lasts, unless they shall see fit to alter themselves, the probability of which I leave every one to judge who knows that men and bodies of men are governed by self-interest.—This I think a sufficient answer to those who are for putting off the affair until all public matters are settled and then enter upon making new States, &c. They in that case will be told it is now too late; this consideration therefore will make it necessary to enquire more particularly what steps are prudent to be taken by the Inhabitants living on the Grants east of *Connecticut-River*, especially as we find the present assembly of *New-Hampshire* "have directed the several towns and districts if they see fit to instruct their Representatives at their next sessions to call an Assembly by a full and free election to convene together for the sole purpose of establishing a permanent plan of Government for the State," and therefore many will say perhaps such a plan will be settled as will give satisfaction to all parties concerned: And further that it is our indispensible duty to assist in forming this plan in order if possible to have it so done that we may be satisfied, but if after all we cannot obtain such a plan as appears to us just and equitable we will not connect with them but seek after connections somewhere else.—But let me tell you my friends that whatever town or district undertakes to act in forming a plan of Government for the State, when once the plan is formed and settled, be it what it will, like or not like it, they are as effectually bound by it as if they had made it altogether themselves; for you cannot act in the least without first uniting and when once united, whatever that Body does will be considered as your act as much as theirs.—Therefore if you consider yourselves now unconnected, and that it is your duty and interest to seek after connection with them, and still retain liberty in your own hands until such time as you can agree to unite, the only proper way is, to propose such terms as you are willing to unite upon, and if agreed to then a union may properly take place; but if not agreed to, then you are at liberty to act otherwise as you think proper.—Therefore every one may know for certain if he once begins to act in this affair he must abide the consequences, for *having put his hand to the plough he can't look back.* —I urge this the more not to dissuade those who think it their duty and interest to seek after connection, but that they may act with their eyes open, and not dabble in those matters, and afterwards complain that they are unjustly dealt with: therefore all such as are willing to join with said State in forming a plan of Government, and run the venture of obtaining such an one as may be agreeable, let them join. they have a right so to do.—But those that are not, if they intend to keep their hands at liberty by no means ought to meddle in the least.—And as things seem to be ripening fast to a settlement relative to governmental affairs whatever ought to be done ought not to be delayed.

FINIS.

[NOTE. The paper which follows, evidently written in answer to the foregoing, was copied from a manuscript in the hand-writing of the Hon. TIMOTHY WALKER, of Concord, who at the time, 1778, was a member of the COUNCIL of the State. When or in what form it was published is not known.*—ED.]

An Address to the Inhabitants of the New Hampshire Grants (so called) lying westward of Connecticut River.

[By Hon. Timothy Walker, Concord, N. H.]

FRIENDS AND FELLOW COUNTRY-MEN.

The occasion of my addressing you at this Time, is the sight of a very insignificant Pamphlet, the other Day thrown in my way, intitled Observations &c. relative to your affairs, lately printed at Danvers, by E. Russel.

I should not think this performance worthy of the least Notice, but that I am certainly informed, that it is circulated up your way, on both sides of the River, and is much relied upon, and has a great effect in misleading the less knowing and judicious, and betraying them into dangerous errors, both in Judgment and Practice, destructive of the Public Welfare.

Were we to judge of the Author's design by his Introduction, and indeed, by the bulk of his performance, we should suppose that (however vague and ineffectual it is to any such purpose) he proposed to offer something of use for your direction and assistance, in your endeavors to extricate yourselves from the many Troubles and perplexities you have, for a number of years, been embarrassed with, in consequence of your subjugation to the Government of New York. But by some scattered Hints through the whole, and, especially the last page of his Postscript, I am led to judge that the author's principal view, was to pave the way, and facilitate the introduction of a number of Towns on the east side of the River Connecticut into your new forming State.

My design is, to offer some things to your consideration, which, if they shall appear of equal weight to you, as they do to me, I imagine you will judge them sufficient reasons to bar such a coalition. The author's labored pretense to trace the two Provinces of New York and New Hampshire from their origin, which take up so much room in his performance, serves no other end that I can perceive, than to show his own gross Ignorance in those matters; for, whatever title the Duke of York had, either with respect to soil or jurisdiction, in any part of America, either as a Patentee under his Brother, or afterwards in his own Right, as King, he soon lost it all, together with his Crown, by his misrule; and New York, ever since the Revolution† (be its bounds where they may) has been considered as a Royal Government in contradistinction from the Charter and Proprietary Governments.

No less Ignorant does he seem to be, with respect to the origin of New Hampshire, which, as far as respects Jurisdiction, was, from the beginning, a Royal Government; Capt. John Mason, by several Grants from the Council of Plymouth, had all the land assigned him, between Salem River and Piscataqua River, and sixty miles up into Land; to

* The copy was furnished the editor by Joseph B. Walker, Esq., of Concord, grandson of Judge Walker.—ED.

† [illegible], in England, 1643.

which he gave the name of New Hampshire, but it was not in the power of that Council to give him Jurisdiction over an Inch, so that, his distinction between Mason's New Hampshire and the King's New Hampshire, is the most idle whim that ever entered into the Head of an enthusiast in Politicks.

No less ignorant does he seem to be of the English Constitution and mode of expression, where he speaks of "a Decree of the Board of Trade," as the foundation of your subjugation to the Government of New York. The Board of Trade pass no decrees in such cases, but act as a sort of Committee, who are to enquire into all circumstances of any affair submitted to their cognizance, and to report to the King and Privy Council their opinion what is best to be done.

But, to pass over this and some other Things as of little or no importance, and come to matters of Fact: New York, ever since the Revolution, and New Hampshire from the beginning, had been considered as Royal Governments; and there, I suppose, both Lawyers and Politicians, in both Englands, are agreed, that the King's Commission is the Magna Charter, or rather the vivifying Principle that puts life into the Constitution, as well as determines its Limits and many other circumstances; and now, as the boundaries of these two Provinces, as far as they bordered upon the Charter Governments, had been ascertained, so, when these were passed by, the place where the two Royal Governments were to meet had not been plainly and explicitly determined, until the year 1764, or thereabouts;—that is, the King had never told his governor of New Hampshire, in express terms, how far west he should go, and there stop, nor his Governor of New York how far East he should go and then cease, until the Aera last mentioned.

Now, this being the case, it was by the English Constitution a matter of mere prerogative, that is, it was in the King's Power, to fix this line where and as he pleased; but this, as all acts of Power, should be guided by Wisdom, conducted by Justice, and tempered by Goodness. Now, I suppose, it was the want of these amiable attendants of Power, in this instance of its exertion, that is the principal ground of your complaint; that is, you were, in a manner contrary to all good Policy, and subversive of the very end of Government, surreptitiously, as it were, torn and dissevered from a Province, under whose auspices you settled, where your connections, acquaintance and business lay, and where you had reason to expect and hope for a good share of those comforts & advantages which render society elegible and Government beneficial, and subjected, as it were, to a foreign Jurisdiction, where these blessing could not be enjoyed at all, or but in a very imperfect degree. This, however slightly and confusedly it is, as it were glanced at by this Author, I suppose is the principal source of your peculiar troubles. But now, my Friends, is any thing like this the case with respect to those Towns on the East side of the River, now about to join you? Exactly the reverse—Every step in the whole progress of their Settlement, from its infancy to its present improved state, has been with the entire consent of the people. They have, in every possible way (except personally signing an instrument for the purpose) expressed their satisfaction in their situation, as a part of New Hampshire, in a manner and to a degree that rather verged towards Adulation, than exhibited the least sign of disgust and uneasiness. They applied to the Governor of New Hampshire and obtained of him Grants of their Lands and Charters of Incorporation, held their Town meetings regularly,

chose their Town officers, transacted all business which Towns usually do, without the least lisp of murmur or complaint. Gentlemen have taken and executed Commissions, both Civil and Military, and when the Province was divided into Counties, one of those very Towns, who are now reeling at a defection, was honored as a shire Town, and, at an expense bordering on profusion, erected a Court House, held their stated Courts, &c. &c. The Governor of New Hampshire attended the Commencement at Dartmouth College, (where the people now join in the defection) escorted by the principal Gentlemen in the vicinity, and there treated with all the eclat and magnificence that could be exhibited on the occasion.

Thus matters stood, when the British administration stretched the Iron Rod of Tyranny and Despotism over these Provinces, in a manner and to a degree that left no man secure in the enjoyment of his Property or even of his life.

At this dark Period, Delegates from the several Provinces were desired to meet in General Congress to deliberate and determine what could be done to ward off the fatal Blow. Now, these very Towns, by their Representatives, met with their Brethren, the Representatives of the other towns of New Hampshire, and joined with them in the choice of Delegates which made a part of that August Body which now figures in the principal Courts of Europe, and is particularly honored by the Alliance and guarantee of so great a Prince as the Grand Monarque.

But now, if the Principle which this author lays down, and which is the basis of his whole superstructure, (viz. That the Declaration of Independence dissolves all political relations and connections) be admitted, as not only true in theory, but also carried into practice, by this single blow of the clumsy Fist of this dabbler in politicks, the glorious Fabrick (American Independence) which I suppose I may say is the admiration of all Europe, and the Esteem of all, with a very few exceptions, will be laid prostrate, jumbled into a huge heap of sand, without any cement to hold it together. For, if Provincial Lines that were universally acknowledged and acquiesced in, both by Governors and Governed, as the true boundaries of the several Provinces, be rejected as of no validity, most certainly all subordinate Corporations, depending upon the same authority must share the same Fate. And thus, the fine Country that bids so fair to shine in the annals of futurity, is at once reduced to a State of Nature (the Author's own words) and must soon sink under its own *weight*. *But*, this is not all; there is a *minority* in each of these Towns, which sees things as they are; who look upon themselves as bound by every Social Tie, to approve themselves as liege subjects of the State of New Hampshire; and, consequently, in obedience and conformity to this Principle, which Reason dictates and Religion patronizes, they refuse subjection to any Rules, Regulations or Orders of what name or nature soever, inconsistent with the Faith they have plighted to the State of New Hampshire.—These, when they find themselves unable to bear up against the torrent of Rage and Oppression from their cruel Neighbors, will, doubtless, apply to the State of New Hampshire for protection. I must confess, I dont see how they can, and I have no apprehension that they will, reject such application; but, after all lenient measures have been used, without success, they must and will employ the Power of the State to vindicate

and protect their thus injured subjects, altho at the expense of the Blood and Treasure of another Civil War.

Now, pray Gentlemen, consider what an unfavorable light you will stand in with the Confederated States, when you are considered as the abettors at least and accomplices in these scenes of devastation and bloodshed: particularly consider what a fund of Eloquence and Oratory you are laying up in store for the use of New York to be played off against you, whenever your case comes to be candidly discussed before the Continental Congress, (for I am persuaded it must first or last come before that august Assembly) you, in a manner, put words into their mouths, and direct them to address that Venerable Body in such language as this:—"You now plainly see, Gentlemen, what these men are aiming at; that, however modest and submissive a tone they may, at certain times or on special occasions have assumed, yet, they now begin to throw off the mask, and discover the latent Principle of Malignity which has all along been at the bottom as the animating spring of all that disturbance which they have occasioned. We appeal to facts, Gentlemen; you have a recent instance before you which plainly show they are for grasping all they can lay hold of, Right or Wrong. They have gone over the Line of New Hampshire, where they had not the least shadow of pretence, to intermeddle, more than in any other of the States of the Confederacy; and have been, at least, accessory towards raising a Storm, which no one knows where or how it will be appeased."

I have but one thing more to add, and that is a hint, that it is pretty well known in New Hampshire, that the disappointments of a small junto of aspiring, avaricious men, in their endeavors to raise themselves and their connections to a degree of importance in the State, far, very far, beyond what their numbers or Estates gave them any pretence to, is the source of all this feud. Now unless the course of nature should change and similar Causes should cease to produce similar Effects, one may venture to predict, that this Spring wont lose its stimulus and change its vibratory nature, by being turned the other way, but will be active in endeavors to embarrass and perplex your Affairs.

I have purposely avoided a particular Address to our Seceding Brethren, on the East side of the River Connecticut, because I understand their rash proceeding has so awakened the attention of the State, that it will probably be matter of public enquiry when the General Court meets; and it might appear officious in a private Subject to anticipate a Business which will be much better done by the united Wisdom of the State.

However, that they may not think themselves wholly neglected, if there be any weight in the reasoning and observations in the foregoing Pages, if they will be pleased to read them, they may, with the alteration of a few circumstances, apply them to themselves; and they will find many of them, *A fortiori*, to conclude against their own conduct.

Thus, Gentlemen, I have honestly endeavored to lay before you the Truth respecting an affair not only of great importance in itself, to the Peace and Weel of those immediately concerned in it, but also will, if not seasonably checked, go far in its consequences towards sapping the foundation of the Confederation of the United States; and am your sincere Friend and well wisher, in all honest pursuits.

PACIFICUS.

July 18, 1778.

SECTION VII.

[First attempt of Border Towns in New Hampshire to unite with Vermont.]

[Vermont had no sooner organized a government than a disposition was manifested by a portion of the inhabitants in border towns east of Connecticut river to dissolve their connection with New Hampshire, and unite with the people of Vermont.

Accordingly, on the 11th of March, 1778, a petition from sixteen towns on the east side of Connecticut river was presented to the legislature of Vermont, in session at Windsor, praying to be admitted into its Union. This led to a direct CONTROVERSY between New Hampshire and Vermont.*—ED.]

NOTES BY THE EDITOR.

With a view to a clear understanding of the controversy between New Hampshire and Vermont, including especially the disputes about "Mason's line" (so called), which was claimed as the western boundary of New Hampshire, the editor takes this opportunity to make the following statements:

The original territory of New Hampshire consisted of grants from the council of Plymouth to Capt. John Mason,—the first dated Nov. 7, 1629, and the second April 22, 1635. In both grants (see Prov. Pap. N. H., Vol. I, pp. 21, 32) the western bound from the sea-coast was limited to three-score miles. A dispute in due time arose both as to where the exact limit should be fixed, and whether the western bound should be a *curve* or *straight* line. On these questions, which were not finally settled until 1787, Dr. Belknap, in his History of New Hampshire, Vol. III, pp. 13, 14, 1812, says,—

"The Masonian proprietors claimed a *curve* line as their western boundary; and under the royal government no person had controverted that claim. When the war with Great Britain was terminated by the peace of 1783, the grantees of some crown lands, with which this line interfered, petitioned the assembly to ascertain the limits of Mason's patent. The Masonians at the same time presented a petition, showing the pretensions which they had to a curve line, and praying that a survey of it, which had been made in 1768 by Robert Fletcher, might be established. About the same time, the heirs of Allen, whose claim had long lain dormant for want of ability to prosecute it, having consulted council, and admitted some persons of property into partnership with them, entered and took possession of the unoccupied lands within the limits of the patent; and in imitation of the Masonians, gave general

* See Slade's Ver. Pap., p. 89.—ED.

deeds of quitclaim to all *bona fide* purchasers, previously to the first of May, 1785, which deeds were recorded in each county, and published in the newspapers. They also petitioned the assembly to establish a head line for their patent.

"After a solemn hearing of these claims, the assembly ordered a survey to be made of sixty miles from the sea on the southern and eastern lines of the state, and a *straight* line to be run from the end of one line of sixty miles to the end of the other. They also passed an act to quiet all *bona fide* purchasers of lands between the straight and curve lines, so far as that the state should not disturb them. This survey was made in 1787 by Joseph Blanchard and Charles Clapham. The line begins on the southern boundary, at lot No. 18, in the town of Rindge. Its course is north—thirty-nine east. Its exent is ninety-three and one half miles. It ends at a point in the eastern boundary which is seven miles and two hundred and six rods northward of Great Ossapy river. This line being established, as the head line or western boundary of Mason's patent, the Masonians, for the sum of forty thousand dollars in public securities and eight hundred dollars in specie, purchased of the state all its right and title to the unoccupied lands between the straight line and the curve. The heirs of Allen were then confined in their claim to those waste lands only which were within the straight line. They have since compromised their disputes with the proprietors of eleven of the fifteen Masonian shares by deeds of mutual quitclaim and release. This was done in January, 1790."

The question of the true head line of Mason's patent is exceedingly complicated, and perhaps impossible to be accurately determined. In the original grant to Mason, of November 7, 1629, the said grant included "all that part of the mainland in New England lying upon the sea-coast, beginning from the middle part of Merrimack river, and from thence to proceed northwards along the sea-coast to Pascataqua river, and so forwards up within the said river, and to the furtherest head thereof, and from thence north-westward, until *three-score* miles be finished from the first entrance of Pascataqua river; also, from Merrimack through the said river, and to the furtherest head thereof, and so forwards up into the lands westwards, until *three-score* miles be finished; and from thence to cross over land to the *three-score* miles end, accompted from Pascataqua river." This grant, as modified and confirmed April 22, 1635, still limited the extent into the interior to *three-score* miles west, and on the eastern bound north-westerly the same extent, and then to *cross over* from one end to the other (see Prov. Pap. N. H., vol. I, pp. 21, 32).

In their eagerness, perhaps, to make the most of their patent, the Masonians claimed that the cross line from the south-western to northerly bound should be a *curve* line, or the arc of a circle of sixty miles from a point on the sea-coast. But evidently the quantity of land taken in by a sweep of sixty miles would depend much on the starting-point, and much more whether it should be a straight line or a curve. This, therefore, became a matter of dispute and litigation.

The *curve* line, as drawn on Mr. Carrigain's map, 1816, commences at the south-western end, in Fitzwilliam, and in its sweep across to the north-eastern bound passes through Marlborough, Roxbury, Sullivan, Marlow, Washington, Goshen, New London, Wilmot, Orange, Hebron,

Plymouth, Holderness, Campton, Sandwich, Burton, to or near the south line of Conway.

Mr. Carrigain says, on his map, that "a survey made in 1768 carried the eastern end of the Mason curve line *ten* miles further down. Hence the *straight* line of 1787 runs to the S. W. corner of Rindge."

In agreement with this statement, we find that the *straight* line drawn on Dr. Belknap's map, 1791 (see Belk. Hist. of N. H., vol. I, 1812), commences at the western end, in Rindge, and runs through Jaffrey, Peterborough, Greenfield, Francestown, Weare, Hopkinton, Concord, Canterbury, Gilmanton, across Lake Winnipiseogee, Wolfeborough, Tuftonborough, to Ossipee.

The difference in the quantity of land, as measured by the *curve* or by the *straight* line, is, to say the least, worth some litigation. These complications were finally settled by acts of the legislature.

As this is important to a full understanding of the matter, the action of the general assembly is here inserted.

The Mason Line determined.

In the House of Representatives, January 9th 1787.

Report of Committee on unimproved Lands.

"The Committee on ascertaining the waste or unimproved Lands belonging to the State Reported that they recommend that a Bill be brought in appointing and fully authorizing a Committee to settle and ascertain the western line of a Tract of Land originally granted to Capt. John Mason, commonly called the Masonian Line. That said Committee agree with the owners or claimants of said Grant in running, marking and establishing said Line in such way and manner as they may mutually agree—but in case the said owners or claimants & the said Committee should not agree in settling said line, that then the Committee proceed to run and mark said line agreeably to the tenor and construction of the original grant or grants of the same, and make report thereof to the General Court.

The Committee recommend, That some Court be particularly impowered or a new Court erected to try and determine all matters relative to the performance or non-performance of charter conditions of Lands granted in this State, known by the name of King's grants—and that as soon as such court shall be authorized or erected; that the Attorney General be directed from time to time, as the General Court shall think proper, to summon before said Court the owners or claimants of such granted Towns or located lands,

as the said General Court shall suppose deficient in performing their respective Charter conditions, to shew cause why their said Lands should not be declared forfeit, and to obtain before said Court an equitable determination thereon.

Signed, ELISHA PAYNE, for the Committee.

Which report being read and considered, Voted, That it be received and accepted, and that a Bill or Bills be brought in accordingly. [Concurred by the Senate.]"

[Agreeably to the foregoing report and recommendation of the committee, a bill was passed on the 15th of January, 1787, entitled "An act for ascertaining the waste lands belonging to this State." (See Rec. of Acts, 1784 to 1789.)—ED.]

On the 28th of June, 1787, Another Act was passed, entitled "An Act to quiet all *bona fide* purchasers of lands between a line crossing over lands upon a *strait* course from the North-east extremity of the East line of Mason's patent; being sixty miles from the Sea on a strait line and running to the extremity of the Western side line of said patent, at sixty miles distance from the sea, on a strait line, and the *curve* line so called, claimed by the persons calling themselves the Masonian proprietors, as the head line of said patent."

[Copy of said Act.]

L. S. Whereas doubts may arise in the minds of honest Settlers, and *bona fide* purchasers, that they may be disturbed in their possessions, if the lands between the said head line at the end of sixty miles and the said curve line should be recovered and taken possession of by the State: Wherefore, to remove all such doubts—*Be it enacted*, by the Senate and House of Representatives in General Court convened, That all lands situate between the said curve and strait lines, which were *bona fide* granted or sold by the King of Great Britain, or by the persons calling themselves the Masonian proprietors, or by the persons claiming the lands within the said patent in the right of Samuel Allen, Esquire, prior to the first day of June, 1786, be and hereby are quieted in the title of lands so purchased, so far as that the State shall not hereafter disturb or interfere with such titles.

And be it further enacted, That such persons as have entered and made improvements upon tracts of land between

the said curve and strait lines, that have not been heretofore granted or sold by the King of Great Britain, the Masonian proprietors, or the heirs of Samuel Allen, Esquire, such persons or Inhabitants shall be quieted in their possessions upon paying to this State the value of uncultivated lands in the vicinity of the same.

And be it further enacted, That the Boundaries of all Townships within this State, shall be & remain as heretofore fixed & established, notwitstanding any alteration that may happen in the establishment of the head line of said Patent: *Provided*, nevertheless, that nothing in this Act contained, shall be construed to extend to lands now claimed by persons commonly called the Masonian Proprietors or their heirs, or the proprietors claiming under Samuel Allen, Esquire, or their heirs, in their own right, or any Township granted or conveyed to and among themselves, not *bona fide* conveyed to any other persons, or to any lands reserved by them, or either of them, to and for the use of themselves and their heirs.

State of New Hampshire, In the House of Representatives June 28th 1787:—

The foregoing bill having been read a third time, Voted that it pass to be enacted. Sent up for concurrence.

JOHN SPARHAWK, Speaker.

In Senate the same day. This bill having been read a third time, Voted that the same be enacted.

JN° SULLIVAN, President.

[NOTE. The foregoing statement of facts serves to show the difficulty of fixing a head line which should be satisfactory to all parties interested, and also raises a question how far the projected new State would extend *east* of Connecticut river.—ED.]

[P. 73.] State of Vermont } In General Assembly, June 11th
Bennington, SS. } 1778.

On the representation of a Committee* from the New Hampshire Grants (so called) east of Connecticut River, that the said Grants are not connected with any State with

* The editor has searched in vain for the original papers containing this "representation," as also for the preliminary proceedings which led to it.

respect to their internal police, and that sixteen Towns in the northwestern part of said Grants have assented to a union with this State agreeable to articles mutually proposed by this Assembly and a committee from the grants east of said River, as by said Articles on file more fully may appear;

Therefore Voted and Resolved that the sixteen Towns above referred to, viz, Cornish, Lebanon, Enfield, Dresden, Canaan, Cardigan, Lime, Orford, Piermont, Haverhill, Bath, Lyman, Gunthwaite, Apthorp, Landaff and Morristown, be and hereby are entitled to all the privileges and immunities vested in any Town within this State.

Aso Voted and Resolved, that any Town on the Grants east of Connecticut River, contiguous to any of the Towns above mentioned, and which has not yet assented to a union with this State, shall be received, on their exhibiting to the Assembly a Certificate of a Vote of a major part of the Inhabitants of such Town in favor thereof; or on their appointment by a major part of the Inhabitants of such Town of a member to represent them in the Assembly of this State; and that they shall thereby become entitled to all the Rights appertaining to any Town within this State agreeable to the Rules prescribed in the Constitution.

Attest. BENJ^A BALDWIN, Jun^r Clerk.

A true copy of Record, compared
pr THO'S CHANDLER, Jun^r Sec'y.

Letter from Nehemiah Estabrook to Meshech Weare, transmitting Resolves of the State of Vermont, about the union of certain towns with them, dated

Orford, June 25th, 1778.

[P. 71.] HON^BL SIR—

The Convention of Committees from the several Towns mentioned in the inclosed Copies take this opportunity to transmit to you as President of the Council of the State of New Hampshire, a Resolve of the Assembly of the State of Vermont relative to a union of said Towns with them, by which you will be avail'd of the political situation of these United Towns & others, on the grants who may comply with said Resolve. We hope that notwithstanding an entire seperation has now taken place between your State and those

Towns, an amicable settlement may be come into at a proper time between the State of New Hampshire and those Towns on the Grants that unite with the State of Vermont, relative to all civil and military affairs transacted in connec-
[P. 72.] tion with the State of New Hampshire, since the commencement of the present war to the time of the union, so that Amity and Friendship may subsist and continue between the two States.

I am, Sir, in behalf of said Convention, with respect,
Your most obedient Humble Servant,
NEHEMIAH ESTABROOK,* Chairman.

To the Hon^ble M. Weare, Esq^r
President of the Council of New Hampshire.

Letter from Meshech Weare to the New Hampshire Delegates in Congress on the subject of the above union, dated

[P. 77.] Exeter, Aug^t 19, 1778.

SIR—

By order of the Council and Assembly of this State, I am to inform you that the pretended State of Vermont, not contented with the limits of the New Hampshire Grants (so called) on the West side of Connecticut River, have extended their pretended jurisdiction over the River, and taken into the Union (as they Phrase it) sixteen towns on the east side of Connecticut River, part of this State who can have no more pretence for their defection than any other towns in the State; the circumstances of which you are well acquainted with: And great pains is used to persuade other towns to follow their example. Enclosed I send you the copy of a Letter from Mr. Estabrook who stiles himself chairman of the Convention of Committees from several Towns &c., also the copy of a Resolve of the s^d nominal State of Vermont; on which you will make your own comments.

By the best information I have from that County *about*

* Nehemiah Estabrook was of Lebanon. In 1776 he was one of the selectmen of the town, and deacon of the church. He presided at a meeting of several adjacent towns, held at the College hall in Hanover, July 5, 1776, to consider the perilous condition of the frontier towns, and to obtain assistance from the assembly of New Hampshire. (See State Pap., vol. VIII, pp. 248, 297, 298.)—ED.

one third—nearly one half—of the people in the defective Towns are averse to the proceedings of the majority, who threaten to confiscate their estates if they don't join with them; and I am very much afraid the affair will end in the shedding of Blood. Justices of the Peace have been appointed & sworn into office in those towns under the pretended authority of s^d^ Vermont. I must not omit to let you know that Col^o^ Bedel* who has rec^d^ great sums from Congress or their Generals under pretence of pay^g^ men for service they never did (as I am informed) by the influence of s^d^ money has occasioned a great share of the disorders in those Towns. I am directed to desire you on receipt of this to advise with some of the members of Congress on this affair & proceed as you may judge expedient after advising as afores^d^. Endeavor to obtain the aid of Congress, if you think they can with propriety take up the matter. Indeed unless Congress interferes (whose admonition only will be obeyed) I know not what consequences will follow; very possible the sword will decide it, as the minority in those towns are claiming protection from this State, and they think themselves bound by every tie to afford it; and you know every condescending method that could be invented, has been offered them in the beginning of the Schism and was rejected. I doubt not of your application and efforts in this matter, which if effective will exceedingly serve the State and probably prevent numberless calamities to the People.

Hon. Josiah Bartlett & John Wentworth, Esq^rs^.

Letter from President Weare to Governor Chittenden, dated

Exeter, August 22, 1778.

(Copied from Slade's State Pap., p. 91.)

SIR—

Although I have had information that the people settled on the New Hampshire Grants (so called) west of Connecticut River, had formed a plan for their future Government, and elected you their first magistrate; yet, as they have not

* Col. Timothy Bedel was a resident in Haverhill, and an influential citizen.—Ed.

been admitted into the confederacy of the United States as a separate, distinct body, I have omitted to address you in your magistratical style, and not out of disrespect to you, or the people over whom you preside; which, in these circumstances, I doubt not, your candor will excuse, and that you will attend to the important subject of this address.

A paper has been laid before the General Assembly, attested by Thomas Chandler, jun. as Secretary of the State of Vermont, dated June 11, 1778, purporting a resolution of the General Assembly of the State of Vermont, to receive into union with said State, sixteen towns on the east side of Connecticut river; and leave, or rather, an invitation, to any towns contiguous to those sixteen, to enter into the same union.

On which I am directed to represent to you, and to desire it may be laid before the representatives of your people, the intimation in said resolve, that the said sixteen towns, 'are not connected with any State, with respect to their internal police,' is an idle phantom, a mere chimera, without the least shadow of reason for its support.

The town of Boston, in Massachusetts, or Hartford in Connecticut (if disposed) might, as rationally, evince their being unconnected with their respective States, as those sixteen towns their not being connected with New Hampshire.

Were not those towns settled and cultivated, under the grant of the Governor of New Hampshire? Are they not within the lines thereof, as settled by the King of Great Britain, prior to the present era? Is there any ascertaining the boundaries between any of the United States of America, but by the lines formerly established by the authority of Great Britain? I am sure there is not. Did not the most of those towns send delegates to the Convention of this State in the year 1775? Have they not, from the commencement of the present war, applied to the State of New Hampshire for assistance and protection? It is well known they did—and that New Hampshire, at their own expense, hath supplied them with arms, ammunition &c. to a very great amount, as well as paid soldiers for their particular defence; and all at their request, as members of this State—whence then, could this new doctrine, that they were not connected with us, originate? I earnestly desire that this matter may

be seriously attended to; and I am persuaded the tendency thereof, will be to anarchy and confusion.

When I consider the circumstances of the people west of Connecticut River, the difficulties they encountered in their first settlement, their late endeavors to organize government among themselves, and the uncertainty of their being admitted, as a separate State, into the confederacy of the United States, I am astonished that they should supply their enemies with arguments against them, by their connecting themselves with people, whose circumstances are wholly different from their own, and who are actually members of the State of New Hampshire. A considerable number of inhabitants of those sixteen towns (I am well informed) are entirely averse to a disunion with the State of New Hampshire, and are about to apply to this State for protection; indeed, some have already applied. And are not the people in this State under every obligation, civil and sacred, to grant their brethren the needed defence?

I beseech you, Sir, for the sake of the people you preside over, and the said people, for the sake of their future peace and tranquillity, to relinquish every connection, as a political body, with the towns on the east side of Connecticut river, who are members of the State of New Hampshire, entitled to the same privileges as the other people of said State, from which there has never been any attempt to restrict them.

I am, Sir, with due respect,
Your obedient humble servant,
MESHECH WEARE,
President of the Council of the State of N. H.

Hon. Thomas Chittenden, Esq.

[NOTE. On the receipt of this letter, Governor Chittenden convened the council, and Gen. Ethan Allen was requested to repair to Philadelphia to ascertain the views entertained by congress of the proceedings of Vermont. On his return Gen. Allen made report as follows:—ED.]

[Copied from Slade's Ver. State Pap., pp. 92, 93.]

To his Excellency, the Governor, the Honourable the Council, and to the Representatives of the freemen of the State of Vermont, in General Assembly met.*

GENTLEMEN—

The subscriber hereto, begs leave to make the following report, viz.

By the desire of his Excellency, and at the request of several of the members of the honourable the Council, to me made in September last, I have taken a journey to Philadelphia, in order to gain knowledge how the political situation of the State of Vermont stood, in the view of Congress;—which I here exhibit.

On the 16th day of September last, I am informed by members of Congress, that the delegates from the State of New Hampshire exhibited to Congress a remonstrance (which they had previously received from the Council and Assembly of said State†) against the proceedings of the State of Vermont, with respect to their taking into union a number of towns, on the east side of Connecticut river, and in their inviting other towns to revolt from New Hampshire; a copy of which I herewith exhibit: a matter, which they allege, was incompatible with the right of New Hampshire, and an infringement on the confederacy of the United States of America; and, therefore, desired the Congress to take the matter under consideration, and grant some order thereon, to prevent the effusion of blood, and the confusion and disorders which would, otherwise, inevitably ensue.

The delegates from New-York, at the same time, exhibited to Congress sundry papers, containing allegations

* At this session of the legislature representatives from ten of the sixteen towns on the east side of Connecticut river took their seats in the general assembly.—Williams's Hist.

† This remonstrance has not been found. The committee appointed to draw it up were, on the part of the house, Col. Hobart, Mr. Gains, Mr. Odiorne, Mr. Porter, and Capt. Calfe; and on the part of the council Mr. Walker and Mr. Thompson. (N. H. State Pap., vol. VIII, p. 790.)—ED.

against the State of Vermont, which, after some altercations, were admitted; and it was agreed that the same, together with the remonstrance from the State of New Hampshire, should be taken under consideration, on the afternoon of the 18th, by a Committee of the whole house;—at which time it was moved to be brought forward; but urgent business occasioned its being deferred to the 19th; at which time I arrived at Philadelphia, and being immediately informed of the business by some of the members of Congress, I used my influence against its being hastily determined ex parte; and particularly objected to the complaints from the States of New Hampshire and New York, their being both considered at the same time, alledging that they were of a very different nature. And, in consequence of this, together with my earnest request and application, I obtained assurance that the matter should not be brought to a decision before I could have an opportunity to lay the matter before this people; as I had, previously, let the members of Congress know, that the Assembly of this State was to sit at this time; and I engaged to transmit the proceedings of this Assembly to Congress, as soon as they transpired at their request.

The allegations, thrown by New-York, received a most severe shock on the perusal of my late pamphlet in answer to his Excellency Governor Clinton's proclamation, dated in February last, containing overtures to the inhabitants of this State; as well as from my large treatise on the nature and merit of the New York claim, and their treatment to the inhabitants of this now State of Vermont. In fine, the New York complaints will never prove of sufficient force in Congress, to prevent the establishment of this State. But, from what I have heard and seen of the disapprobation, at Congress, of the union with sundry towns, east of Connecticut river, I am sufficiently authorized to offer it as my opinion, that, except this State recede from such union, immediately, the whole power of the Confederacy of the United States of America, will join to annihilate the State of Vermont, and to vindicate the right of New Hampshire, and to maintain, inviolate, the articles of confederation, which guarantee to each state their privileges and immunities.

Thus, Gentlemen, I have given you a short representation

of the political situation of this State as it now stands in the General Congress of the United States of America, upon which I stake my honour.

Given under my hand, at Windsor, this 10th day of Oct. A. D. 1778.

ETHAN ALLEN.

[NOTE. Immediately upon this report, the legislature of Vermont, agreeably to the opinion and advice of Gen. Allen, took measures "to recede from the Union" which had been formed with the sixteen towns east of Connecticut river. The record of their proceedings is found in full in Slade's Vermont State Papers, pp. 94–101, and also in "Governor and Council Records" of Vermont, vol. I, Appendix, pp. 405–426—of which the essential points relating to the discontinuance of the Union are indicated by votes on the three following questions.—ED.]

[P. 79.] Windsor, October 21st, 1778, Assembly met, according to adjournment; the following Questions were proposed, and answered, as herein stated, (viz.)

Question 1st. Whether the Counties in this State shall remain as they were established by this Assembly at their session in March last?

Yeas 35. Nays 26.

Question 2nd. Whether the Towns East of the River included in the Union with this State, shall be included in the County of Cumberland?

Yeas 28. Nays 33.

Question 3rd. Whether the Towns on the East side of Connecticut River, who are included by Union within this State, shall be erected into a distinct County by themselves?

Yeas 28. Nays 33.

[NOTE. The votes on the several questions foregoing, virtually rescinded the union which had been formed, inasmuch as they disallowed any and all of the said sixteen towns any connection, either with the already established counties of Vermont, or any county by themselves. Hence, against these proceedings was entered the following PROTEST, viz.:—ED.]

Protest of members of the General Assembly of Vermont, representing New Hampshire towns east of Connecticut river, and border towns west.

[P. 81.] State of Vermont. } Windsor, October, 22d 1778.

We whose names are under written, members of the Council and General Assembly of said State, beg leave to lay before the Assembly the following as our Protest and Declaration against their proceedings on Wednesday the twenty-first instant, in passing the three following votes or Resolutions, viz.

"1st That the Counties in this State shall remain as they "were established by the Assembly of this State in March "last. 2nd That the Towns on the east side of the River "included in the union with this State, shall not be included "in the County of Cumberland. 3rd That the Towns on the "east side of the River shall not be erected into a distinct "County by themselves." (As by said votes on the Journal of the House may appear:) which votes are illegal, and in Direct violation of the Constitution of this State, and the Sollemn Engagements and publick faith Pledged by the Resolutions of said assembly, as by the following observations plainly appear; (viz.)

1st That as the Towns on the east side of said River were never annexed to any County in said State they are consequently by said votes intirely excluded the Liberties, privileges, Protection, Laws and Jurisdiction of said State;—all which were granted them by the State, by an Act or Re-[P. 83.] solve of Assembly passed at Bennington in June last, containing the union and confederation of the State and said Towns, by which Act or Resolve of Assembly every Town included in the union Received by a Grant from the then State of Vermont all the rights, powers and privileges of any other Towns in said State; which they cannot be deprived of without their consent,—as it is a maxim, that the Grantor or Grantors cannot Resume their grant without the surrender of the Grantee or Grantees.

2nd That said votes are in Direct opposition to a Solemn Resolution of the Assembly Passed the 20th Instant Establishing the Report of the Committee of both Houses, in which Report the Assembly have solemnly covenanted to

Defend the whole of the State entire, as it then was, including said Town.

3rd That by the Constitution of the State, especially the sixth Article in the Bill of Wrights, Government is instituted or Declared to be a right of every part of the Community, and not a part only—said Votes are therefore a violation of the Constitution.

4th That so far as the Assembly have power, they have, by said votes totally destroyed the Constitution of the State, by Depriving those Towns included in the union, of the [P. 84.] Exercise of Jurisdiction, power or Privilege granted them; and the Confederation by which the Towns in the State are combined and held together as one body;—and as no political Body can exercise a partial jurisdiction by virtue of a Confederation or agreement for the people, to exercise Government over the whole: it is therefore either void or Destroys both the Confederation and Constitution.

We do therefore hereby publickly declare and make known that we cannot consistant with our Oaths and Engagements to this State (so long as said votes stand and continue in force) exercise any office or place either Legislative, Executive or Judicial in this State; but look upon ourselves as being thereby Discharged from any and every former Confederation and Association with this State.

Joseph Marsh, D. G.
Peter Olcott, Ass^{t}
Tho^{s} Mordock, Ass^{t}
Elisha Payne
Israel Morey
James Bailey
John Young
Joseph Hatch
Abel Curtis
Alex^{d} Harvey
Bela Turner
Jon^{a} Freeman
David Woodward
Beza. Woodward
Stephen Tilden
Tho^{s} Baldwin
Jcha^{d} Ormsbee
Reuben Foster
John Wheatley
John Nutting
Nehemiah Esterbrooks
Abner Chandler
Francis Smith
Benjamin Baldwin
Elijah Alvord
Joseph Parkhurst
Benjamin Spaulding.

UNIVERSITY OF CALIFORNIA

Letter from Thomas Chittenden to Meshech Weare relating to towns east of Connecticut river, dated

Windsor, 23rd Octr 1778.

[P. 85.] Sir—I am directed by the Council and Assembly now sitting to acquaint your honor that they have had under consideration, the subject of your letter to me, dated the 22d day of August last. Whereupon they have Resolved that no additional exercise of jurisdictional authority be had (by this State) east of Connecticut River, for the time being: on which Resolution the Members who appeared to represent those sixteen Towns east of the said River said to be united to this State, have entered their dissent to such Resolution on the minutes of the house and withdrawn; under which circumstances they can have no pretensions to any claim of Protection from this State,—who are so far from a disposition to interfere on the Rights of N. Hampshire as to gratefully acknowledge their generous and timely assistance at the important battle of Bennington, by which means this Infant State was preserved.

This Assembly of this State have appointed his Honr Ira Allen, Esqr to wait on your Honor & Council with this express, who will doubtless be able to give any further satisfaction in the premises.

I am, Sir, with due Respect your
most obedt Humle Servant,
Thos Chittenden.

Honble Meshech Weare, Esqr.

Letter from Ethan Allen to Meshech Weare, relating to towns east of Connecticut river and his appointment as agent, &c.

[P. 89.] State of Vermont } Windsor, 23d October, 1778.

Sir—In conformity to my Engagement to Col. Bartlett, one of the members of Congress from New Hampshire, I am Induced to write to your Honor Respecting a Number of Towns to the Eastward of Connecticut River, which inadvertantly by Influence of Designing men, have lately been brought into Union with the State of Vermont;—which in my opinion is Now entirely Desolved. I Engaged Col. Bartlet to use my Influence at this Assembly, for that

Purpose. The Governor's Letter to your Honour, Together with what Squire Allen, the Bearer will communicate, will set this matter in its True Light.

The Union I ever view'd to be Incompatible with the Right of New Hampshire, and have Punctually Discharged my obligation to Col. Bartlet, for its Dissolution; and that worthy Gentleman on his part assured me, that he had no directions from the Government of New Hampshire, to extend their claims to the westward of Connecticut River, to interfere with the State of Vermont; and I hope that the Government of New Hampshire will excuse the Imbicility of Vermont, in the matter of the union. I apprehend Col. Payne* had a principal Influence in it, and it was with Difficulty that the Assembly got rid of him.

I am appointed by this Assembly to act as Agent for the State of Vermont, at Congress, where I shall shortly repare, and Defend that New Hampshire will Acceede to the Independency of the State of Vermont, as the late Obstacles are honorably removed.

I am with Due respect
Sir, your very Humble Serv^t^
ETHAN ALLEN.

Hon^ble^ Meshech Wear, Esq^r^.

* Col. Elisha Payne came from Connecticut, and was a proprietor and early settler, 1773–4, in *Cardigan*, now Orange. He was a friend of Dr. Wheelock, and from 1774 to 1801 was a trustee of the college, and in 1779 and 1780 was treasurer. A man of strong mind, of great decision and energy, he early took a leading part in the movement in which the towns east of Connecticut river were engaged. At the October session of the Vermont assembly, 1778, he was a representative from *Cardigan*. In 1781 he was elected Lieutenant-Governor of Vermont. He was delegate to the convention which met in Charlestown, Jan. 16, 1781, and afterwards, at Cornish, one of the committee to make a report relating to towns west of what was called the "Mason Patent," with a view to union with Vermont. In 1781 he represented *Lebanon* in the Vermont assembly. He became chief-justice of the supreme court of Vermont, and in 1782 a delegate to congress. In December, 1781, he was a major-general of the militia of the state, and authorized to call them out to repel New Hampshire forces "force by force." He left many valuable papers, which it is said went into the hands, first, of a grandson, Col. Elisha Payne Jewitt, of Montpelier, and afterwards were in possession of the late Henry Stevens.—ED.

Letter from the Convention at Windsor, signed by Joseph Marsh, Chairman, to Henry Laurens, President of Congress.

[P. 93.] Windsor, on the New Hampshire Grants, October 23, A D 1778.

SIR

May it please your Excellency:

The Assembly of the State of Vermont had a report laid before them on the 13th Instant, signed by Col: Ethan Allen, purporting that Congress had received sundry matters of information or complaint relative to the proceedings of the Nw Hampshire Grants, and which they had determined to take into consideration; but at his solicitation were deferred, till opportunity might be had to communicate the intelligence to the people on those Grants;—respecting which we beg leave in justice to our cause to remark that Col. Allen nor any other person (that we know of) has as yet been authorized by the people on those Grants to appear in their behalf at Congress, (except those persons who preferred a petition which was dismissed last year) & which measure they had omitted from an apprehension that Congress were desirous not to be troubled with the matter at present. Nor do we by this mean any thing further, than to inform them that, on the above mentioned representation, and copies of letters from the Honble the President of the Council of New Hampshire to their members at Congress, and to Governor Chittenden, the Assembly of Vermont in a Committee of the whole agreed on the enclosed out-lines of a plan for settling all matters of controversy with New Hampshire.

We apprehend we can, and are now in persuit of measures to make it evident to impartial judges, that the New Hampshire Grants on both sides of Connecticut River, are on the same footing, and ought never to be divided:—On that principle the Committee above mentioned proposed and the Assembly agreed to the enclosed plan as having in their opinion the most effectual tendency to support a union of the two sides of the River, and lay a foundation for an amicable settlement with the State of New Hampshire, so that Congress may not have occasion to interpose in the matter. Yet an apprehension arising in the minds of [P. 94.] sundry Members of Assembly that such an union

(though in its nature reasonable and just) would, through the influence of ex parte representations, occasion Congress to come to such resolutions as might prevent the establishment of a State on said Grants, has been the occasion of different sentiments with respect to measures proper in the present juncture, and which have arisen to such a pitch as to prevent a persuit of the proposed plan in the channel pointed out by Assembly, by a Protest and withdraw of near one half the members who composed that Body. The protesting members notwithstanding, desirous that the same plan might be pursued, formed a volentary Convention who are in persuit of measures, whereby the whole of the towns on said grants may unite in such proposals to New Hampshire as we flatter ourselves will put an end to all disputes with that State.

An apprehension that measures will be attempted to procure an acknowledgment at Congress of a new State containing only that part of the grants which lie west of Connecticut River, (which we conceive will be very disagreeable to a majority of the inhabitants on said grants) is the occasion of our transmitting this by Col. Wheelock, whom we have also desired to inform your Excellency or Congress more fully of the matter, than the limits of this letter will admit, and request that nothing may be done at Congress which shall prevent the good effects of the measures now taking for an happy settlement with the State of New Hampshire.

I am, Sir, in behalf of said Convention, with great deference and respect,

Your Excellency's most obedient
and most Humble Servant,

Signed JOSEPH MARSH,* Chairman.

His Excellency
Henry Laurens, Esq^r.
President of Congress. } (Copy.)

* Col. JOSEPH MARSH resided in Hartford, Vt. At this time he was lieutenant-governor, and had great influence in the new state. He was born in Lebanon, Ct., Jan. 12, 1726 (O. S.), and followed Dr. Wheelock into the N. H. grants, 1772. It is interesting to know, in a brief biographical notice, that he was a descendant of John Marsh, who came to this country from England, 1633, and accompanied Rev. Thomas Hooker to Hartford, Ct., 1635. Col. Marsh married Dorothy

Communication of Ira Allen, Esq., to the Council and General Assembly of New Hampshire, expressing his views of the State of Vermont.

[P. 95.] To the Honorable Council and General Assembly of the State of New Hampshire, now siting at Exeter in said State.

GENTLEMEN—

Persuant to my appointment (by the General Assembly of the State of Vermont) to wait on the Hon^{bl} Mesheg Ware, Esq^{r}, President of the Council of the State of New Hampshire, with a letter from His Excellency, Tho^{s} Chittenden, Esq^{r}, and as in the s^{d} letter Refferance was had to me for further Proticulars Relative to the union of sixteen Towns on the East side of Connecticut River, with the State of Vermont, and as it has been the Desire of the Hon^{bl} the General Assembly That I would give them a short state of facts Relative to the said Union, &c. I therefore Begg Leave to state the following as a short and consise state of the Matter, (viz.)

The first movement to form the State of Vermont was from the west side of the Green Mountain,—in consequence of which several Committees was sent to the then Counties of Cumberland and Gloucester to see if the People there would unite with the People on the west side of the mountain to make one Body Politick—About two years ago Col. John Wheelock,* being apprised of that movement went to

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Mason, a descendant of Capt. John Mason, famous in early Indian wars. She was a sister of the Hon. Jeremiah Mason, the distinguished jurist both of New Hampshire and Massachusetts. Col. Marsh was active in revolutionary services, was the father of the late Hon. Charles Marsh, of Woodstock, Vt., and grandfather of President James Marsh, of Vermont University, Dr. Leonard Marsh, of Burlington, Lyndon A. Marsh, Esq., of Woodstock, and the Hon. George P. Marsh, who still lives, eminent for scholarship both in America and Europe. Col. Marsh died Feb. 9, 1811, aged 85. (See a biographical sketch in Vol. I, Governor and Council, Ver., pp. 235–238.)—ED.

*Col. John Wheelock, son of Dr. Eleazer Wheelock, president of Dartmouth college, was born at Lebanon, Ct., Jan. 28, 1754, graduated at Dartmouth college, 1771, and was tutor in 1772–4. He was a member from Hanover of the fourth provincial congress in Exeter, May, 1775. In the spring of 1777 was commissioned as major of a New York regiment, and in November, the same year, as lieutenant-colonel of Bedel's regiment, New Hampshire. He probably was the first openly to propose the union of western New Hampshire with Vermont. In

the Town of Norwich where one of s[d] Committees were and Proposed to them for a number of Towns on the East side of the River to unite with those towns on the west of s[d] [p. 96.] River; but was answered by said Committee that they were not acquainted with the situation of New Hampshire, Therefore they should do nothing about it. Last March after the Governor and Council was Declared Chosen and the Assembly formed agreeable to the Constitution of s[d] State, there came in a Committee from the East side of the River s[d] to be chosen by a Convention of Committees, whereof Mr. Esterbrooks was chairman, and moved in behalf of the New Hampshire Grants East of s[d] River (as they were pleased to stile it) for a union with the State of Vermont;—in consequence of which a Committee was chosen from Both Houses to confer with said Committee and make Report of their opinion thereon to the House: the Committee after all the Debate thereon Reported to the House as their opinion, not to connect with said Committee in no way or manner Whatsoever. The House after mature Deliberation Voted to accept of s[d] Report; which Gave such Dissatisfaction to Several of the members of the Council and Assembly that Lived near Connecticut River, that they declared, if Them People (meaning those on the East side of the River) were to be intirely excluded from connecting with s[d] State, they would withdraw from the then State of Vermont and connect with them People and form a New State. Then after Long and Tegious Debates the whole was Refered to the People at learge, and to be brought before the Assembly again at their Next Session in June. [p. 97.] Col. Payne and others of that Committee Then Publickly Declared that they had conversed with a Number of the Leading Members of the Assembly of N. Hampshire from the Eastern Part of the State, who had no objection to their joining with the State of Vermont; but some members in the western part of s[d] State was opposed to it, but gave it as their opinions that New Hampshire as a State would make no Difficulty about it; this Last Idea was carried to the People, and under this Mistake of the matter a Majority of the Towns in the State Voted for the union, which the General assembly could do no otherwise than

1779 he succeeded his father to the presidency of the college. During his administration the great controversy arose between him and the trustees of the college. He died at Hanover, April 4, 1817.—Ed.

confirm. they being previously instructed so by their constituants: The Assembly then Proseeded to business, amongst which there was an order given for Each Town in the State that see fit to choose a Justice of the Peace, and several Temperary Acts were made, all to stand, untill the rising of the next Assembly.

Sum Time in the month of Augst Governor Chittenden Rec^{d} a Letter from the Hon^{bl} Mesheg Ware, Esq^{r} President of the Council of N. Hampshire showing the Disapprobation of s^{d} State to the union.

Sum Time in September, Col. Ethan Allen was appointed to wait on Congress to see how the Political State of the State of Vermont was viewed by Congress; who, after the Assembly was formed in October last, Reported to the House, that the Members of Congress was unanimously opposed to the union of the sixteen Towns, otherwise they had none of them any objection to the State of Vermont being a State, (the New York members only excepted) At the session in October last several members from the East side of the River Took their seats in consequence of the [P. 98.] union before mentioned. Then the Assembly proseeded to business; But there appeared such Divisions and Debates Relative to the union that for about thirteen Days there was very little Business done; at which Time three votes were Passed which gave rise to a Desent's being brought in to the House the next day signed by Twenty seven members* of the Council and Assembly (both the Votes & Desent I have Deliver'd to the Hon^{bl} Council) The General Assembly then Proseeded to the Business of the State and Revived sum old acts and made sum new, amongst which they ordered one Commission to be made for the Justices of each County, and all the names of the Justices in the County of Cumberland to be put in the Commissions for that County & in like manner the County of Bennington. I was credably informed by several worthy Members of the Council and Assembly that the second vote above referred to in its Original was Passed as follows, (viz.) Whether the Towns East of the River included in the Union with this State shall be annexed to the County of Cumberland, Past in the Negative. By several flying Reports was informed that after the above mentioned Twenty

* See *ante*, p. 286.—Ed.

seven members with Drew they formed a Convention, chose a Chairman & Clerk, and then Proposed to give an Invitation to all the Towns in the Grants to join them and form a New State by the name of New Connecticut; they then adjourned their Convention to sum time the Next week to be held at Lebanon; there was about Eleven Towns on [p. 99.] the west side of the River joined them in this Convention.

Thus, Gentlemen, I have given a short State of the matter, which I do Certify upon Honour is the Truth according to the Best of my Memory.

IRA ALLEN.*

Exeter, November 4th, 1778.

Letter from Meshech Weare to Thomas Chittenden relating to the visit of Ira Allen, &c., dated

State of New Hampshire.† Exeter, Novemr 5th, 1778.

[p. 87.] SIR—

Your letter of the 23d Ult° was delivered me by Mr. Allen, and hath been laid before the Gen^l Assembly of this State, who have directed me to observe, that the Resolution of the Representatives of your People which you mention, viz. "That no additional exercise of jurisdictional authority "be had (by this State) east of Connecticutt River for the "time being," is not an explicit determination to break off all connection as a distinct political Body with the Towns East of Connecticutt River; but is so ambiguously expressed as to show nothing of your future intentions on the subject. However, as you refer us to Mr. Allen, the Bearer, for

* IRA ALLEN, Esq., was the youngest brother of Gen. Ethan Allen, and as much distinguished for diplomacy and ability with his pen as the general was for daring and victory with his sword. Ira was the youngest son of Joseph Allen, of Connecticut, born at Cornwall, Ct., Apr. 21, 1751. He came to Vermont in 1771, then twenty years of age, and his whole life was identified, as was his brother Ethan's, with the early history of that state. He married Jerusha, daughter of Gen. Robert Enos, and had three children, viz., Zimri, Ira H., and Maria Juliet. He died at Philadelphia, Jan. 7, 1814, in the sixty-second year of his age. (See Vt. Hist. Mag., vol. I, pp. 770–776, Gov. and Coun. Rec., vol. I, pp. 112–115.)—ED.

† This letter was not in chronological order on the files.—ED.

"further satisfaction in the premises," that Gentleman has, with openness and candour informed us that some particular circumstances in your affairs had hindered a more particular and Explicit declaration on the subject; yet assured us, that he had no doubt but a considerable majority of your People, would totally reject any further connection with the people East of Connecticut River as a Political Body: On which state of the matter we shall depend, as that only can hinder dificulties arising between the State of New Hamp^{r} and the People settled on the New Hampshire Grants (so called) west of Conn^{t} River.

*

Hon^{ble} Thomas Chittenden.

Letter from Meshech Weare to Ethan Allen, in answer to the foregoing.

State of New Hampshire } Exeter, Novem^{r} 5th, 1778.

[P. 91.] Sir—I received yours of the 23rd ult^{o} by Ira Allen, Esq^{r} and at the same time a Letter from Thomas Chittenden, Esq^{r} purporting a Resolution of the State of Vermont concerning their late connection with some Towns part of the State of New Hampshire, in the following words: "That no additional exercise of jurisdictional authority, be had (by this State) East of Connecticut River, for the time being."—which by no means expresses their future designs or intentions in the matter.

Nevertheless as you have been so full & explicit in your own sentiments, I trust the Body of your people will be of the same opinion, as I am sure every sensible person will, notwithstanding the blind designs of some uneasy and never to be contented persons, whose views must certainly be more detrimental to you than they possibly can be to New Hampshire; whatever may be determined by Congress relative to the acknowledgment of your Independency will be freely acquiesced in by New Hampshire.

Col^{o} Ethan Allen.

* This letter, undoubtedly written by Mr. Weare, though not signed, was probably the first draught of the one sent to Gov. Chittenden.—Ed.

NOTE.

About this time, or early in December, a pamphlet appeared, called a PUBLIC DEFENCE, &c., which evidently had a great influence on the people in the border towns, and which greatly controlled their future action. The editor obtained a copy of this defence from the library of the Massachusetts Historical Society in Boston, as follows:

[Title-page.]

A PUBLIC DEFENCE of *the right* of the NEW-HAMPSHIRE GRANTS (so called) on both Sides CONNECTICUT-RIVER, to associate together, and form themselves into an INDEPENDENT STATE.

CONTAINING Remarks on sundry paragraphs of Letters from the *president of the Council of New-Hampshire*, to *his Excellency Governor Chittenden*, and the *New-Hampshire Delegates* at CONGRESS.

DRESDEN:
Printed by ALDEN SPOONER, 1779.

A Defence of the New-Hampshire Grants, &c.

[NOTE.—Heretofore articles of considerable length, of this description, have been set up in small type; but for the sake of more ease and comfort in reading, the editor has been advised to use a larger type, as follows:]

PURSUANT to a Resolve of the General Assembly of the State of *Vermont* passed October, 20th, 1778, "that a declaration be drawn up, setting forth the political state of the *New-Hampshire Grants* (so called) on both sides of Connecticut River, &c." the major part of their Committee, appointed for that purpose, have agreed to present the following facts and observations, together with two several letters from the President of the Council of New Hampshire, and a report of *Col. Ethan Allen*, with some remarks on them.

A Grant was made by the Council of Plymouth March 4th 1628–9, of the Colony of the Massachusetts-Bay; the

Northern Line of which was "from three miles northward of any and every part of Merrimack River" to extend west indefinitely. A Grant was afterwards made (in the same year) to John Mason of London, Esq; containing a tract of land between Merrimack and Piscataqua rivers, sixty miles up each river, and these to be bounded by a line across from river to river. This Grant (although expressed in a loose manner) when compared with the Massachusetts Grant, is limited with the greatest precision, southerly and westerly by a line three miles northward of any and every part of Merrimack River, sixty miles up the river—and northerly by a line drawn from the place where the said sixty miles are finished to Piscataqua River, sixty miles distant from the mouth of it.* On this Mason tract sundry towns were formed and considerably settled. And the Inhabitants in the year 1679, petitioned King Charles the 2d that they might be erected into a separate Government by the name of New-Hampshire; in compliance with which request a commission was made out to *John Cutts Esq;* whereby a President and Council were established for ruling and governing said New Hampshire which was in said commission bounded as follows viz. "lying and extending from three miles northward of Merrimack River or any part thereof unto the province of Main."† And in the same commission is this further clause viz. "And it appearing unto us that the ancestors of Robert Mason, Esq; obtained Grants from our Great Council of Plymouth for the tract of land

* If the Massachusetts North line begins three miles north of Merrimack, and continues three miles distant from it to three miles north of the fork or crotch where Merrimack and Pemegawasset rivers meet, and thence extends due west, as their Charter points out, they will cover considerable part of the Grants now in question. A line drawn due west from the place where those rivers meet will intersect Connecticut river about fifteen miles north of Charleston (No. 4) Meeting house, and thence continued across the New Hampshire Grants will come near to Fort Ann on the head of Wood Creek (as these places are delineated on the Maps) which line will include upwards of fifty of the towns on said Grants within the limits of the Massachusetts Charter. Although there was a determination of the King in Council A D 1739 that the North line of the Massachusetts should run west from Patucket falls it seems that they did not acquiesce in the determination: as they refused to join New Hampshire in a survey conformably thereto.

† The boundaries of New Hampshire as described in this Commission coincide with the Massachusetts line as described in their Charter before mentioned.

aforesaid, and were at great expense upon the same &c." By which it clearly appears that *President Cutts'* commission was intended to extend no farther than the western extent of the *Mason claim* or the *Mason line* (so called)—and jurisdiction was exercised agreeable thereto with little variation, untill a commission was granted to *Benning Wentworth Esq;* to preside as *Governor of New-Hampshire;* by which commission his jurisdiction was extended and exercised over the whole of the Grants, on both sides of Connecticut River; or at least he was empowered to extend jurisdiction to the limits of other Governments, grant lands &c. And by virtue of that general clause in his commission, and the determination of the King in Council A. D. 1739.* he did actually extend jurisdiction, and granted the most of the vacant lands as far westward as to the line between Massachusetts and New-York. But New-York not discouraged from endeavoring to extend jurisdiction eastward, by two unsuccessful struggles first with Connecticut, and afterwards with the Massachusetts-Bay, now attempt to effect it against the New-Hampshire commission and the beforementioned determination of the King in council. And here we find them under peculiar advantage to what they were in their former endeavors to encroach on the jurisdiction of the other Governments. In those the people who owned the soil were interested in the jurisdiction: but here the Grantees of the lands had no concern with the jurisdiction. That prerogative was retained solely in the King's hand, and exercised by whatever servant the royal mandate should point out. Neither the people in New-Hampshire or New-York had much concern in the exercise of jurisdiction. In New-Hampshire especially the royal prerogative was so extensive and the privileges of the people so small, that their Assembly declined assisting the Governor in any way whatever for the establishment of the line. And accordingly under the influence of sundry false declarations in favor of New York, a decree was passed by the King in Council A. D. 1764, that the western bank of Connecticut River should be the boundary between New-York and New-Hampshire: and the Grantees and Inhabitants living on those lands, not being in capacity to defend against the unreasonable claim and pursuit of New-York in endeavoring

* See Douglass Summary, Vol. I, page 422.

to obtain jurisdiction over them, were under necessity of falling a prey.

In this situation of affairs, a considerable part of the people in the southwesterly part of the Grants have utterly refused submission to the jurisdiction of New-York, from the time that said line was established as aforesaid, by reason that they not only claimed the jurisdiction but the right of soil also; which was before granted to the settlers and others by the Governor of New Hampshire. All which is more fully set forth in sundry pamphlets, wrote and published by Col. Ethan Allen, relative to the New-York claim. On other parts of the Grants, that were by said decree subjected to the jurisdiction of New-York, the people thro' fear of losing their interests and being turned out of possession of their all, in some measure submitted. And at exorbitant prices obtained regrants of their lands from the Governor of New-York—which he presumed to make out, notwithstanding the express inhibition of the King.

In this situation the people on the Grants continued, untill the late glorious revolution. And upon the *declaration of Independence* the people on the Grants on both sides of Connecticut River, seeing the kind hand of providence in releasing them thereby from the galling yoke of bondage under which they had been held, began now to look out for themselves, and assert their natural rights and privileges in common with their brethren in the American States.

And as the circumstances of the Grants on the two sides of the river were (on account of the jurisdictional line settled in 1764) circumstantially different, in respect to their connections with New-York and New-Hampshire, the Grants on the west side were fully determined (as they imagined by the proceedings of the Conventions and Assembly of the State of New-York that they had little or nothing better to expect from the new mode of government of that State than they had from the former) not to connect with them; but to form themselves into a distinct State with the whole of the Grants, so soon as time and circumstances would admit: and accordingly overtures were made by a Convention of the Grants on the west side to those on the east side of the river as early as September 1776. But those towns on the east side having transacted some affairs with New-Hampshire from the time that hostilities were first committed by Britain

to the time of Independence relative to the war &c—and by reason of some disputes then subsisting between New-Hampshire and them, they were not prepared to enter into a confederacy with the people on the west side of the river, untill the latter had formed their plan of Government.

But in pursuit of the original object (viz. to be all united together in one political body, in case they could not agree to connect with New-Hampshire) a considerable number of towns on the Grants on the east side of the [River], in the month of March 1778, by a Committee appointed for that purpose, proposed to the Assembly of the Grants on the west side, articles of union and confederation; which proposals were accordingly by order of said Assembly laid before the towns on the west side, for their consideration and approbation. And at the Assembly held at Bennington in the month of June last, said towns on the east side of the river were received into union and confederacy with those on the west side, with equal rights and privileges, by a solemn act and resolve of said Assembly; and leave for other towns on the Grants east of the River to join; by virtue of which some others have since united. And they have since acted together as a distinct State, untill an unhappy dispute arose in the Assembly at their sessions in October last, relative to the manner of defending the State against the claim of New-Hampshire to the Grants on the east side of the river included in said union; occasioned by the following letters and report which were then laid before the Assembly, viz.

1. A copy of a letter from President Weare to Governor Chittenden.

"Sir,

"Although I have had information that the people settled on the New-Hampshire grants (so called) west of Connecticut River, had formed a plan for their future Government, and elected you their first Magistrate; yet as they have not been admitted into the confederacy of the United States as a separate distinct body, I have omitted to address you in your magistratical stile, and not out of disrespect to you or the people over whom you preside; which in these circumstances I doubt not your candor will excuse, and that you will attend to the important subject of this address.

"A paper has been laid before the General Assembly attested by Thomas Chandler jun^{r} as Secretary of the State of Vermont, dated June 11th 1778, purporting a Resolution of the General Assembly of the State of Vermont, to receive into union with said State sixteen Towns on the east side of Connecticut River, and leave or rather an invitation to any towns contiguous to those sixteen to enter into the same union.

"On which I am directed to represent to you, and to desire it may be laid before the Representatives of your people, the intimation in said Resolve, that the said sixteen towns 'are not connected with any State with respect to their internal police,' is an idle phantom, a mere chimera without the least shadow of reason for its support.

"The town of Boston in the Massachusetts, or Hartford in Connecticut (if disposed) might as rationally evince their being unconnected with their respective States, as those sixteen towns their not being connected with New-Hampshire.

"Were not those towns settled and cultivated under the grant of the Governor of New Hampshire? Are they not within the lines thereof as settled by the King of Great Britain prior to the present Aera? Is there any ascertaining the boundaries between any of the United States of America but by the lines formerly established by the authority of Great Britain? I am sure there is not. Did not the most of those towns send Delegates to the Convention of this State in the year 1775? Have they not from the commencement of the present war applied to the State of New-Hampshire for assistance and protection? It is well known they did—and that New Hampshire at their own expense hath supplied them with arms, ammunition &c. to a very great amount, as well as paid soldiers for their particular defence, and all at their request as members of this State—Whence then could this new doctrine, that they were not connected with us, originate? I earnestly desire that this matter may be seriously attended to, and I am persuaded the tendency thereof will be to anarchy and confusion.

"When I consider the circumstances of the people west of Connecticut River, the difficulties they encountered in their first settlement, their late endeavors to organize government among themselves, and the uncertainty of their

being admitted as a separate State into the confederacy of the United States, I am astonished that they should supply their enemies with arguments against them by their connecting themselves with people whose circumstances are wholly different from their own, and who are actually members of the State of New-Hampshire—A considerable number of Inhabitants of those sixteen towns (I am well informed) are entirely averse to a dis-union with the State of New-Hampshire, and are about to apply to this State for protection; indeed some have already applied. And are not the people in this State under every obligation civil and sacred to grant their brethren the needed defence?

"I beseech you, sir, for the sake of the people you preside over; and the said people for the sake of their future peace and tranquility, to relinquish every connection as a political body with the towns on the east side of Connecticut River, who are members of the State of New-Hampshire, entitled to the same privileges as the other people of said State, from which there has never been any attempt to restrict them.

"I am sir with due respect
Your obedient
humble servant

Meshech Weare { President of the Council of the State of New-Hampshire.

"Exeter in the State
of New-Hampshire,
Aug. 22d, 1778.
Honorable Thomas Chittenden, Esq."

2. A Copy of a Letter from President Weare to the New Hampshire Delegates at Congress; which is as follows, viz.

"Exeter Aug. 19th 1778.

"Gentlemen,

"By order of the Council and Assembly of this State, I am to inform you that the pretended State of Vermont, not content with the limits of the New Hampshire Grants (so called) on the western side of Connecticut River, have extended their pretended jurisdiction over the River, and

taken into union (as they phrase it) sixteen towns on the east side of Connecticut River, part of this State, and who can have no more pretence for their defection than any other towns in this State, the circumstances of which you are well acquainted with, and great pains are taken to persuade other towns to follow their example.

"By the best information I have from that country, nearly one half of the people in the revolted towns are averse to the proceedings of the majority, who *threaten to confiscate their estates if they do not join with them*,* and I am very much afraid that the affair will end in the shedding of blood Justices of the peace have been appointed and sworn into Office in those towns, under the pretended authority of said Vermont; and persons sent to represent them there—I must not omit to let you know that Col. Timothy Bedel, who has received great sums of money from Congress or their Generals, under pretence of keeping some companies last winter, and now a Regiment for the defence of that northern frontier, or to be in readiness for marching into Canada (though very little service has been done as I am informed) by influence of the money and his command, has occasioned a great share in the disorders in those towns: 'tis wished by the more sober solid people in that quarter, he could be removed to some other command, if he must be kept in pay and employed.

"I am directed to desire you on the receipt of this, to advise with some of the Members of Congress on this affair, and proceed as you may judge expedient, after advising as aforesaid to endeavor to obtain aid of Congress, if you think they can with propriety take up the matter—Indeed unless Congress interfere (whose admonitions I believe will be obeyed) I know not what consequences will follow: it is very probable the sword will decide it; as *the minority in those towns are claiming protection from this State;*† and they think themselves bound by every tie to afford it; and you know that every condescending measure has been used from the beginning of the schism, and rejected. I doubt not your application and efforts in this matter, which will

* *This* underlining is in *red*, apparently by Prof. Sylvanus Ripley, the original owner of this pamphlet. B. P. S.

† *Red.*

if effectual exceedingly serve the State, and probably prevent numberless calamities to the people.

"I am with great respect and esteem, Gentlemen,
Your most obedient humble servant
M. Weare, President of the Council of New-Hampshire.

"To the honorable Josiah Bartlett,
and John Wentworth
jun. Esqrs, Member of
Congress. Philadelphia."

3. A Report of Col. Ethan Allen, which is as follows, viz.

"To his Excellency the Governor, the honorable the Council, and to the Representatives of the freemen of the State of Vermont in General Assembly met.

"Gentlemen,

"The Subscriber hereto begs leave to make the following report, viz. By the desire of his Excellency, and at the request of several of the Members of the honorable the Council to me made in Sept. last, I have taken a journey to Philadelphia, in order to gain knowledge how the political situation of the State of Vermont stood in the view of Congress, which I here exhibit. On the 16th day of September last, I am informed by Members of Congress, that the Delegates from the State of New Hampshire exhibited to Congress a remonstrance (which they had previously received from the Council and Assembly of said State) against the proceedings of the State of Vermont, with respect to their taking into union a number of towns on the east side of Connecticut-River, and in their inviting other towns to revolt from New Hampshire, a copy of which I herewith exhibit; a matter which (they alledge) was incompatible with the right of New-Hampshire, and an infringement on the confederacy of the United States of America, and therefore desired the Congress to take the matter under consideration, and grant some order thereon to prevent the effusion of blood, and the confusion and disorders which would otherwise inevitably ensue.

The delegates from New-York at the same time exhibited to Congress sundry papers containing allegations against

the State of Vermont, which after some alterations were admitted, and it was agreed that the same together with the remonstrance from the State of New-Hampshire, should be taken under consideration on the afternoon of the 18th, by a Committee of the whole house at which time it was moved to be brought forward, but urgent business occasioned its being deferred to the 19th, at which time I arrived at Philadelphia, and being immediately informed of the business by some of the members of Congress, I used my influence against the matter its being hastily determined ex parte, and particularly objected to the complaints from the State of New-Hampshire and New-York, their being both considered at the same time, alledging that they were of very different nature. And in consequence of this, together with my earnest request and application, I obtained assurance that the matter should not be brought to a decision before I could have an opportunity to lay the matter before this people; as I had previously let the members of Congress know, that the Assembly of this State was to sit at this time; and I engaged to transmit the proceedings of this Assembly to Congress as soon as they transpired, at their request.

The alligations thrown in by New-York received a most severe shock on the perusal of my late pamphlet in answer to his Excellency Governor Clinton's proclamation dated in February last, containing certain overtures to the inhabitants of this State; as well as from my large treatise on the nature and merit of the New-York claim, and their treatment to the inhabitants of this now State of Vermont. In fine, the New-York complaints will never prove of sufficient force in Congress to prevent the establishment of this State. But from what I have heard and seen of the disapprobation at Congress of the union with sundry towns east of Connecticut River, I am sufficiently authorized to offer it as my opinion, that *except this State recede from such union** immediately, *the whole power of the Confederacy** of the United States of America *will join to annihilate the State of Vermont,** and to vindicate the right of New-Hampshire, and to maintain inviolate the articles of Confederation, which guarantee to each State their privileges and immunities.

Thus, Gentlemen, I have given you a short representation of the political situation of this State, as it now stands in

* *Red.*

the General Congress of the United States of America; upon which I stake my honor.

Given under my hand at Windsor this 10th day of October, A. D. 1778:

ETHAN ALLEN."

The Col. in addition to his written report, publickly declared before a Committee of both houses, when the matters were under consideration, that the President of Congress in private conversation with him when at Philadelphia told him, that in case the union with those towns on the east side of the river was dissolved, he had no objection to the Grants on the west side being a State. And the following question being put to him, in the same public manner by one of the members of the Assembly viz. "Did not the New-Hampshire Delegates at Congress when you was at Philadelphia agree with you, that in case you would get the union with the towns on the east side of the river dissolved, they would assist you in disputing New York?" To which he answered "*Yes they did upon honor.*"

The foregoing letters report &c. were all taken into consideration by a Committee of Governor Council and Assembly; on which the following proposals were reported to the Assembly, and by them approved, viz

"1. That a declaration be drawn up, setting forth the political state of the Grants on both sides of Connecticut River, from the time of their being granted—viz. that the Grants were taken as being under jurisdiction of the government of New-Hampshire; where the Grantees expected to have remained—that the King of Great Britain under the influence of false and ex parte representation, passed a decree in Council, A. D. 1764, that part of the Grants should be under the control of the government of New-York—that said decree was in its nature void from the beginning, on account of the undue influence under which it was obtained: and that the whole of said Grants were consequently of right, under the same jurisdiction as before said decree took place—but the Governor of New-Hampshire not exercising jurisdiction over those west of the river, they remained *part* under the jurisdiction of the government of New-York, but the *greater part* in opposition thereto, till near the time of the declaration of independence of the United States, by

which the whole of the Grants become unconnected with any State; and had an opportunity to assert and enter on measures to support their just rights, and were at liberty to unite together, or with any other State which might agree to receive them—in this situation the inhabitants on the Grants west of the River (already determined by the cruel treatment they received from New York, not to be under the control of that State) entered on measures for establishing government among themselves; and a considerable number of towns on the Grants east of the River, after various ineffectual endeavors to unite with New-Hampshire, on such principles as they esteemed just and equitable, united with the Grants west of the River on the plan of Government which they had adopted; and with them have solemnly covenanted to support each other in said Government—and as by their situation and agreement in manners, habits, &c. they conceive they are called upon, and warranted to set up and maintain civil Government in a distinct State; and as those Grants ought not to be divided between New-York and New-Hampshire, or any other way, merely to serve interested views; they are unanimously determined, in every prudent and lawful way, to maintain and support entire, the State as it now stands.

"2. That proposals be made to New-Hampshire; that those towns only which lie west of the Mason claim, and which shall accede to a union with this State, agreeable to a resolve of Assembly at their Sessions at Bennington the eleventh day of June last, be admitted to a union with this State—And in case New Hampshire shall not agree thereto, or to some line that shall be agreed on as an equivalent, that they agree to a submission of all matters of complaint and dispute in the premises, to Congress for a decision; the Grants being allowed equal privileges as the State of New-Hampshire in supporting their cause—or that they submit the matter to any court, that may be agreed on, and constituted by the parties, for a decision; saving to themselves in the trial, all right privilege and advantage which they or might have, by any former grant, jurisdiction, power or privilege, on account of any former situation or connection with any Province or State heretofore had; and notwithstanding any subsequent transactions."

In observing upon said letters &c, will be shown the *right*

of the whole of the Grants to unite and confederate together as before related.

The State of the Massachusetts notwithstanding their undoubted right by charter to a considerable part of those Grants, by their neglect to challenge them as part of that State since the revolution, have tacitly relinquished that right to the people who inhabit them, and not to New-York and New-Hampshire, or either of them; and the right of organizing government among themselves must of course be acknowledged as being vested in the inhabitants until the Massachusetts assert and vindicate their claim; which may be done on much more rational principles than those of New-York or New-Hampshire; and consequently those States must be forever debarred from jurisdiction over those towns, were the matter to be rested on this single point.

As to New-Hampshire; all their right may justly be supposed to be comprised in the two letters from President Weare before recited, as they are the result of the wisdom of the Council and Assembly of that State, after near three years dispute on the subject. But before we proceed to take notice of those letters, we would observe that the people in New-Hampshire never were formed into a political body, until the commission to President Cutts as before mentioned. Under which form of Government they continued (with very small variations) until the commission to Benning Wentworth, Esq.; anno 1740. After which a commission was made out to John Wentworth, Esq; who continued in the exercise of his government until the present revolution.

These commissions are all the Grants or Charters (if they may be so called) which either gave jurisdiction or combined the people together, and whereby they become connected in any way or manner whatsoever. These two last mentioned commissions were made out merely at the will and pleasure of the Crown, and constructed as sovereignty saw fit. By these alone the inhabitants on the Grants were connected with the people within the Mason claim. These were imposed on the people without their previous knowledge or consent, and were continued for such time and liable to such alterations at all times and in such way and manner as the King should see cause, both as to extent of jurisdiction and mode of government. By these commissions the

people were subjected without power of chusing or refusing. And the whole of the Grants, by virtue thereof only, remained connected with the people settled on the Mason claim, until the regal power was exercised in an arbitrary manner in 1764, by passing an order or decree in privy council, that the western bank of Connecticut River should be the line or boundary between New-York and New-Hampshire as before mentioned.

This stretch of arbitrary power (obtained by undue influence) gave rise to and has been the occasion of the continuance of all the political disputes and troubles that have subsisted in this part of the country ever since. And *the strenuous efforts of New-York and New-Hampshire to establish and maintain that unjust and arbitrary line are the only cause of the present dispute, which must be decided,** it seems (if we believe New-Hampshire) *by the point of the sword.** For the people on the Grants, especially on each side of the river, on account of their situation and other circumstances, are utterly averse from being divided.

But to return to those royal mandates—We find that unbounded prerogative is not satisfied with this act in 1764; but has since ('tis said) made great part of the Grants with other territories a distinct province;† but this was too late done to take effect.

Now we candidly ask the the [apparent repetition of "the" —B. P. S.] question, which of those five lines (before mentioned) it is that New-Hampshire mean when they say, "Are they not within the lines thereof as settled by the King of Great Britain in Council prior to the present Æra?

Certainly it cannot be the first, for that takes off considerable part of the Grants to the Massachusetts; nor the second for there is no pretence that the Mason line includes them; nor the third, for that includes all the Grants; and that New-Hampshire, has been utterly averse to, notwithstanding they have been repeatedly requested thereto. Neither may we suppose it to be the last; because that will not answer their purpose. It must then be the line of 1764. But by what rule of right or reason they can make their

* *Red.*

† By a commission to Governor Skeene for a government on said Grants &c. made out a little before the commencement of the present war.

choice, is beyond our perception to determine—for certainly if they would consider those acts of the King in the nature of grants, the former must have the presidence; but if in the nature of wills, then the line described in Governor Skeen's commission takes place; as that was the last will and testament which George the third made relative to jurisdiction over these territories before his death, unless the Grants were included within the province of Canada, as extended by the Quebec bill, as some have imagined—But, thanks to Heaven, the legatees have never accepted the legacy since the death of the testator. Nor do they mean ever to accept either the will in 1764 or the last. Nor have either of those wills been yet proved or approved, or ever can be, on account of the insanity of the testator.

However, as it appears evident that the line pointed out in the decree of 1764, is the line they mean to maintain, as best suiting their designs (viz.) for each one to have so much and no more than what they can manage to their purpose, and as this line is their capital bulwark and main strength, we will further consider the force of it.

It was obtained, in the first place, by the intercession of the government of New-York, by false representations, *that it was the desire of the people living on the lands, to be annexed to New-York—that it would greatly commode them in trade and commerce &c.* also by undue influence by that Province, and some principal men in New-Hampshire. And the poor Inhabitants (who alone must suffer the evil consequences) were forsaken of New-Hampshire, and consequently under no circumstances to make any defence, or even to be known in court, of necessity fell a sacrifice. But the King being thus deceived the decree is in its nature void*—much less have the parties right to take advantage thereby of their own wrong, to subjugate the Grants to their sinister designs and purposes: Nay, *it is void as to all parties.*† Therefore the jurisdiction of New-Hampshire (so long as there was any under the Crown) ought to have taken place as before said decree in 1764 passed.

Again. If the State of New-Hampshire had any right to

* Notwithstanding it said *that the King can do no wrong*, yet it is a settled maxim *that the King being deceived his acts or grants are thereby made void.*

† *Red.*

exercise jurisdiction over the Grants, they have (by refusing or neglecting to exercise it over *the whole*) forfeited their right to *any and every part;* for by the right or authority they may have heretofore had to exercise jurisdiction over *the whole*, they cannot exercise it over a *part only;* as that would be a different exercise from what they would in that case be empowered to.

Further. Supposing, for argument sake, that the decree, in the time of it, was ever so legal and binding on the people; yet New-Hampshire, under its present circumstances, can claim nothing by it; because that power which the government had by virtue of his commission (when the commission became null and void) never averted to or became vested in the people by virtue of the commission, any more than though it never had been; and consequently New-Hampshire can have no right to exercise government over the Grants, on account of the latter having been connected with the former in the Governors commission, any more than though they never had been thus connected. When the King's authority was thrown off and rejected by the declaration of Independence of the United States, the royal commission became a mere nullity, and was to the people as though it never had been, for it contained nothing more than a positive command to the Magistrate therein named to govern, and a requisition or command to the people to obey. Nothing was contained in it reciprocal between the King and people. Nothing that the people could claim as a grant or benefit, not even so much as the continuance of the commission itself: but it rested wholly at the pleasure of the crown. Now as the commission altogether ascertained the extent as well as power of jurisdiction, *when the commission was once removed out of the way, there were no more any limits of jurisdiction left than there was power of exercising it.** Consequently there never having been any confederacy of *the people*,* either by themselves or by any grant or charter from the crown or otherwise, whereby they ever were incorporated and united in a political body, whenever that compulsive power (which alone held them together) ceased, they *became unconnected:** and so will remain *until by their own act they unite and confederate together*,* as much as the thirteen United States were before they entered

* *Red.*

into a confederacy. Nay the people never were at liberty to unite togther or not unite until that despotic power which alone held them together, was thrown off; *which was done by the declaration of Independence.**

And as New-Hampshire have not as yet settled any permanent plan of government, or confederated together any other way than by a considerable part of the towns (and those principally in the old Mason claim) acting together only for the purposes of carrying on the war, and in the meantime to guard against criminal offences, and have therefore never as yet ascertained what and where New Hampshire is or shall be; they are rather too early in making their challenges of jurisdiction, and threatening war and devastation upon those towns who have dared to assert their rights, and who have never acted with them since Independence took place, (but have remonstrated against their proceedings from the first setting up government in the manner they have done) except as to the affairs of the war merely; which will be more particularly considered hereafter.

One thing more may be proper in this place to consider, viz. What State the people on the Grants were in when they were released from the government of Britain.

And first. *Did they revert to a State of nature?**

We answer. *Not wholly so.** For so sure as the coercive power of the King was rejected and ceased to operate, *the people made a stand at the first legal stage,** viz. *their town incorporations,** which they received from the King as little grants or charters of privileges by which they were united in little incorporated bodies with certain powers and privileges *which were not held at the pleasure of the King** (as those commissions were) *but were perpetual.** These the people by universal consent held sacred; and so long as they hold those grants, so long do they hold themselves subjects of government according to them: and as such must and do they act, and transact all their political affairs. Hence it is that the *major part of one of those towns have a right to control the minor part.** These are all the grants the people ever had from the King whereby they become united together and could hold against the King &c. Consequently they will remain so many distinct

* *Red.*

corporations until they agree to unite in one aggregate body. But to this doctrine there has been an objection raised by some, viz. That if the case is as here represented, every of those towns (if they please) may be a State by itself &c. To which we answer. Supposing the consequence is just it will not destroy the proposition; and the objection might with as great propriety have been urged against the *thirteen united States* being distinct separate bodies, before they united or confederated together; for the two cases are exactly similar, except as to their extent. Moreover, so long as men have a regard to the safety of their persons and families, their liberties and properties, they will naturally associate and confederate together, so far as will best secure themselves; which is the whole design of government. And the same principle that influenced to hold sacred those town incorporations, will prompt them to unite still further. Necessity and interest are so influential in this matter that there is not the least danger. The only difficulty ever arising in this case is the manner and form of uniting, and mode of government.

Again, perhaps it will be objected by some, that the principles here laid down will apply as well to the towns within the Mason claim as to the towns on the Grants, and consequently they will have the same liberty &c.

To which it may be said, that there is at least this difference in their circumstances, viz. (1.) The people within the Mason claim, from their education, customs and manners, are of one notion and sentiment in respect to the principles and mode of government; and therefore are well united. (2.) They hold their landed property by the same tenure, but diverse from the Grants. (3.) The inhabitants first settled on that claim, agreed in chusing them a King, (alias) a kingly government, by petitioning for and receiving it. (4.) They have acted together so long that they may claim any union by prescription, having enjoyed an uninterrupted connection in the exercise of government among themselves beyond the memory of man.

Marked in written marginal note, "Not true."

In all these circumstances the people on the Grants are different from those on the Mason claim.

But sufficient has been said here and in a former Letter

signed Republican,* as to the right that New-York and New-Hampshire have to exercise jurisdiction over these Grants by virtue of those royal decrees and commissions. We pass on now to consider some other reasons assigned in the foregoing letter, which we should not think worthy of notice, were it not that they are almost all of them palpable falsehoods and misrepresentations, made use of to excite the indignation of the highest power in America against this new rising State, and to bring the power of the United States upon them, without their having an opportunity of defending their cause, or even to know the accusations alledged against them, until the decisive sentence is passed—a measure not parallel except in the inquisition.

We shall therefore in the first place notice that clause in the letter to the State of Vermont, where it is said "that the sixteen towns are not connected with any State with with [literal—B. P. S.] respect to their internal police, is an idle phantom a mere chimera without the least shadow of reason &c.—that the town of Boston in the Massachusetts, or Hartford in Connecticut might as well evince their not belonging to their respective States, as those sixteen towns their not being connected with New Hampshire, &c."

It is surprising that men who pretend to be wise politicians, by being educated under an arbitrary government, are so grossly ignorant of the distinction there is between charter rights and the exercise of despotic power. Do they not know that every individual inhabitant, and consequently every town in the State of Connecticut by charter make up the Governor and Company of that Colony or State. And that by the same grant or charter they hold all their landed property, as much as any body of proprietors of a township or tract of land. And by the same charter they are made a body corporate and politic in name and fact. And in holding this charter sacred they hold themselves indissolubly connected together. Which bond of union must remain so long as the State exists. There never has been nor does there need to be any alteration of the mode of government in that State to comport with a state of independence, but the transposition of the name in which the executive power is exercised from the King to the people.

* Note in *writing*, "printed at Danvers, 1778."

In the same way and manner are the people in the Massachusetts held together and united viz. by grants and charters from the King containing both landed property and jurisdiction, which the King could not constitutionally alter, and which the people still hold sacred, and thereby hold themselves connected together as much as Connecticut. Now, wherein does New-Hampshire compare with these two States? for take away the royal prerogative power which alone held them together, and what have they left? Nothing but a number of little town incorporations—there is not a shadow of a confederated State left—Nothing but an empty name. *New-Hampshire as such never owned one inch of land or farthing of property,** neither could they ever so much as grant a town incorporation, nor had they right to a voice in that matter. In short, *they never were a body politic in any legal sense whatever,** and nothing more than a number of people subjected to the obedience of the King's servant in such way and manner as the commission prescribed: very similar to the old feudatory system in England. Now to compare the towns on the grants as being in like circumstances with Boston and Hartford, is not only "an idle phantom, a mere chimera," but an act of profound ignorance. As to the question "Were not those towns settled and cultivated under the government of New-Hampshire."

We answer—They were not. They were granted settled and cultivated under the King of Great Britain, (by the agency of his servant the Governor of New-Hampshire) and entirely at his control, as much as the towns on the Grants west of Connecticut River; and as liable as they to be put under the immediate jurisdiction of any other person than the Governor of New-Hampshire, whenever the King should please to do it.

The next argument made use of is, that *most of those towns sent delegates to the Convention in the State in* 1775—*Tis true they did**—and for the sole purpose of devising measures to defend against the tyrannical power of Britain which then began openly to set itself in hostile array against America. And by the *arbitrary conduct of that Assembly in settling the mode of representation** (which they were never authorized to do) *they disgusted many towns then*

* *Red.*

*connected** with the Province or state, so that *they have never connected with them since,** except to remonstrate against their proceedings, both to the Assembly and people at large.

But what of all this? were we not then all under the jurisdiction of the King? Yes: and long afterwards; for *independence was then scarcely in idea.**

The next thing alledged is, that from the commencement of the present war *they have applied to the State of New-Hampshire for assistance and protection,** and that New Hampshire at their own expense hath supplied them with arms and ammunition to a very great amount as well as paid soldiers for their defence &c.

Here seems to be a magazine of stores played off at once—but if all was fact, we hardly believe it would amount to a consideration—For by the same reason every State upon the Continent would claim jurisdiction not only over the Grants, but over every other State, upon the score of defending them: so that it would be difficult to determine which had the best right—But when the matters are considered in their true light, they will appear but a mere fiction—The true state of the case is this. At the beginning of the war, *when we were all connected** we did apply to New Hampshire for arms and ammunition; but to very little purpose: the expense of application was more than the value of what was obtained. 'Tis true they did advance a few barrels of powder, and a quantity of lead not equal to the powder, and some fire arms; for the whole of which ample security was given to the State at the time of receiving them, either to return or pay for them. And besides, these towns, notwithstanding the repeated solicitations to New-Hampshire for supplies &c. were obliged to apply to other of the united States, and from them received very considerable supplies, on the same terms as those received from New-Hampshire, and without being claimed on that account as being under their jurisdiction, except by New-York. But what a vain pretence is this that it was done only to defend *Us*, when in fact the enemy were never known to have been within fifty miles of Connecticut-River, which is the utmost western extent which they claim in

* *Red.*

those letters. The defence yielded both by New-Hampshire and Us, was at Bennington, the Creek, Ticonderoga and Lake Champlain, &c. where the general cause was the immediate and principal object, and where most of the United States defended, and who notwithstanding we believe never thought of claiming jurisdiction on that account. Such pretences not only argue the weakness of their cause, but meanness of spirit, as it is well known that the people on these Grants have, ever since the commencement of the war, exerted themselves to their utmost in raising Soldiers and Militia to subserve the general cause of the United States. *This same plea Britain made,** (viz.) *that they had been at great expense in defending America in the last war, and therefore had a right to subjugate them*, &c.

Furthermore, 'tis true (tho' not alledged) that the *military officers** of the regiments in those towns *received commissions from the Conventions of New-Hampshire,** obeyed orders from them, &c. before independence took place, and acted upon them in some measure afterwards. Which they did upon this princple, (viz.) That we must do our part to maintain the American cause; and as we were not nor could be in a situation to regulate our militia until we were settled in a regular state of civil government, it was thought best to continue in that respect as we were for the present, as it mattered not so much what state we acted under in that respect, as that we did our duty. And indeed no part of the state of New-Hampshire hath done equal to what these towns have in supplying men for the continental army, turning out on alarms, scouting, &c.

The next thing mentioned is, "that *near one half of the people in those revolted towns** (as they are called) *are averse to the proceedings of the majority, who threaten to confiscate their estates,** if they do not join with them; and that they are about to apply to New-Hampshire for assistance; and that some have already applied," &c.

These assertions, as they are represented, are entirely false.—And in order to set them in their true light, we are under the disagreeable necessity of troubling the public with some facts, which we should not otherwise have done.

The truth is, in some of those towns there are a few who

* *Red.*

do not agree in opinion with the major part; but in those *we dare challenge any creditable person to say that ever there was the least threatening by the major part to confiscate their estates,** or even to injure them either in their persons or properties in any way whatsoever on that account. And nothing short of malice and envy could influence any person to make such report.

As to those who have applied for relief, &c. we know of none, except one Col. John Hurd, formerly of Haverhill, at Cohos, (who, to the great joy of the people, has removed out of that part of the country, a mutual disaffection have arisen between him and the people) who has made application to the Assembly of New-Hampshire, and from them obtained a summons or order to notify a certain gentleman living in said Haverhill, to appear before said assembly, to answer to certain defamatory charges some time or other laid in by him against said Hurd—also one Nathaniel Hovey, lately living in Enfield, (who is well known to have been a litigious person from his youth up, and consenting to be a tool for said Hurd, to assist him in holding some lands which he claims in said Enfield) who occasioned such disturbance in the town, that they warned him to depart—and after some time (he not obeying the order) the constable, by warrant from the select-men, proceeded to remove him and family towards his last settlement, &c. for which transactions we understand he has been incessantly applying to New-Hampshire for assistance as best suiting his circumstances.

These we are well assured, are all the applications that have been made, and the only motion that we know of that kind. These are the terrible things which are painted in such high colours, as tho' they all originated from the joining of those towns with the Grants on the west side of the river; when they are nothing more than mere party disputes, which would have arisen if there never had been such an union. And we suppose that the Council and Assembly of New-Hampshire have in this way had their information of all those extraordinary things mentioned in their letters (including the affair of Col. Bedel†) that are in so

* *Red.*

† The suggestion or rather assertion in President Weare's letter, "that Col. Bedel by influence of money and his command has occasioned

solemn a manner transmitted to Congress for a foundation of their passing some decisive sentence against us; which would (according to Col. Allen's report) have immediately taken place, had it not been for his interposition, &c. And as we have no place in Congress, we are obliged in this way to appeal to the public to defend ourselves against such unfair and injurious conduct of our adversaries, who have in that respect an advantage in their hands.

Again. We take notice in those letters of their referring to arms to decide the dispute, when at the same time there is not the least hint that the people on the Grants ever meant to defend their right in that way. Nay they expect to support them by fair reasonings founded upon principles of justice and righteousness in an open and public manner, giving their adversaries the opportunity of a fair and impartial trial in any tribunal that may have cognizance of the cause. Whether this frequent recourse to arms is to surprise Congress into an hasty determination by an ex parte hearing or to terrify and affrighten us to a submission, or whether it is for want of justice, argument, and reason to support their claim, or all of them, we submit to the impartial public to determine.

We would here observe further, as to the circumstances of New-Hampshire, that since these disputes have arisen, but *little** (if any) *more than half the number of inhabited towns*,* within the limits they claim jurisdiction over, *are represented in their assembly*,* or mean to be, under their present mode of acting; and this is the great instituted power that claims such extensive jurisdiction even over a greater extent of inhabited and unrepresented territory, than what is represented. Moreover, *this partial assembly, when they issued orders for a convention of delegates** from all the

a great share in the disorders in those towns" is as destitute of foundation as most other articles contained in it. And the information "that very little service has been done by him" and "the desire of the more sober solid people to have him removed" was doubtless from some disaffected persons who apprehend the defence of this frontier, and (perhaps) of the large quantities of continental stores collecting in this quarter will be of very little service, and who wish to have all defence removed that they and the inhabitants may lie open to the depredations of the enemy from Canada, who have (without doubt) been kept from ravaging this frontier, only by their knowledge of Col. Bedel's regiment's being stationed here.

* *Red.*

towns in the state (as they claim it to be) *to assemble and form a plan of government* for the State, would not trust it with them to prescribe how it should be established, but *determined*[*] themselves that when the Convention should agree upon and publish *a plan of government, it should not take place, unless three fourths of the Inhabitants in the State should agree to it.*" Thereby retaining power in *five or six* towns in the easterly part of the State (by reason of its numbers) to negative near *one hundred and fifty* other towns. This convention have already existed about six months without agreeing upon any plan, and have adjourned for another six months for consideration; and when they shall have finished their business, or come to an end is uncertain.

Under such conduct, what people that have any regard for themselves or posterity, will submit to their government? Surely none that can do otherwise. And yet they pretend to appear among the confederated States, as having full and compleat right to control these extensive Grants.

Much more might be said (if needful) relative to their conduct in disregarding and rejecting the complaints and remonstrances of the people against their arbitrary proceedings, ever since they set up their present mode of government; and yet they have the confidence to represent in Congress, that "every condescending measure that could be invented, has been tried from the beginning of the schism, and rejected," when in fact they have never given up the least point complained of from first to last. The foregoing facts will evidently appear, whenever they may be called in question, by written and other authentic vouchers.

We shall now offer some reasons of the propriety of the Grants being a distinct State, upon principle of prudence and equity.

And, 1st, As to *their local situation*—the lands near Connecticut-River, between the mountains heights on each side, that are suitable for cultivation, in a general way are about thirty-six or forty miles wide, and about one hundred and fifty miles in length from Massachusetts North line (as they now exercise jurisdiction) to Canada South line, as settled in 1764; thro' which Connecticut-River runs so as about

[*] *Red.*

equally divides it lengthwise, and therefore the River's being made a dividing line between two States, divides a country that Providence has wisely calculated to belong together, and so situated that the inhabitants living thereon may, by being united, manage their political affairs with convenience; and so calculated by proper intervales through the western mountains or heights, that the passes to and from the inhabitants on the Grants west of the Green Mountains (so called) are convenient.

2. The *connections and commerce of the people** on each side of the river, are, and always will be, so *interwoven and connected** with each other, that it would be very disadvantageous to be in two different jurisdictions.

3. The inhabitants (almost to a man) emigrated from the Massachusetts-Bay and Connecticut, but chiefly from Connecticut; whereby their *manners, customs and habits are conformable to each other*, and their principles and sentiments the same in regard to religion and civil government; but very different from the people of the States of New-York and New-Hampshire: which different principles by education and custom are become so habitual and hereditary, that it is beyond the power of man to eradicate them, and therefore will cause a jarring discord between them so long as they are continued together.

4. The Grants (exclusive of those in the northeast part which lie more contiguous to the center of *New-Hampshire*) will make a respectable State by themselves, and the other two States not be injured thereby, especially New-York; and as to New-Hampshire, it will be much larger than it ever was until since the last war, and more than twice as large in extent of territory as the State of Rhode-Island.

5. The people inhabiting these lands, having undergone the hardships and fatigues of settling this once howling wilderness, and the sufferings and losses occasioned by the war; and having exerted themselves to their utmost (in the grand American cause) with their brethren of the United States, ought not after all to be divided and apportioned to and between New-York and New-Hampshire, merely to serve themselves of us, for their political and interested purposes—and all because they will establish that arbitrary line of 1764.

* *Red.*

6. *These Grants** are so situated that they *will always be an important frontier to the United States** (so long as Canada continues under the control of Great-Britain) and by being a distinct State, will be in a much better capacity to act their part as such, than by being the out-skirts of other States.

7. In the early settlement of this country, the Reverend Doctor Wheelock's charity school, founded on the most noble and benevolent basis, and incorporated with a University by grant or patent from the King of Great-Britain, was introduced and settled in this part of the country; which we esteem an inestimable benefit and advantage to this new State, as well as to the Continent; and which the inhabitants of this State are disposed to patronize to their utmost —but on the contrary, if it falls into the State of New-Hampshire, it will be in a State which has heretofore (as such) shewn a very cool disposition towards it, and probably will continue the same neglect of it, and principally (perhaps) on account of its situation.

8. The people on the Grants are well agreed and united in their plan of government already adopted, whereas New-Hampshire have not as yet agreed on any, and there is very little prospect (by accounts) that they will soon. And as to New-York constitution or plan of government, if there was no other objection, that alone would be a sufficient bar in the way of connecting them.

9. The great distance most of the towns would be at from their several seats of government, in case they were connected with New-York and New-Hampshire, is a powerful reason why they should not belong to them, if there was nothing else to be offered on the head.

Therefore, on the whole of the foregoing facts and observations, we are fully persuaded (and believe every impartial judge will be also) that the people on the Grants, considered in every point of view, have a natural, legal and equitable right to unite together and form themselves into a distinct State or Government, in the manner they have done, and that they are all on both sides of the river, upon the same political foundation, and have an equal right to act in the affair: for certainly if the line settled in 1764 is established for New-Hampshire, it is also for New-York: and if it is

* *Red.*

void as to New-York, it is also void as to New-Hampshire: but sufficient has been already offered to shew that it is void as to both.

And as we are determined to be and remain together, and not be split up and divided merely to serve the interested and designing purposes of New-York and New-Hampshire, or any others; and to convince all that our motives do not arise (as has been represented) from ambitious and schismatical principles: but on the contrary, that they are only to obtain the privileges and benefits of civil government in common with our American brethren, and to put an end to all disputes on account of our being a distinct State, &c. We would recommend that the following terms and proposals be made to the Assembly of New Hampshire, viz.

1. To agree upon and settle a dividing line between New Hampshire and the Grants, by committees from each party, or otherwise, as they may mutually agree.

Or, 2. That the parties mutually agree in a Court of Commissioners of disinterested, judicious men, of the three other New-England States, to hear and determining the disputes.

Or, 3. That the whole dispute with New-Hampshire be submitted to the decision of Congress, in such way and manner as Congress in their wisdom shall prescribe.

Provided always, That the Grants be allowed equal privilege with the other party, in espousing and conducting their cause.

Or, 4. If the controversy cannot be settled on either of the foregoing articles, and in case we can agree with New-Hampshire upon a plan of government, inclusive of extent of territory, that we unite with them, and become with them one entire State, rejecting the arbitrary line drawn on the western bank of Connecticut river, by the King of Great Britain in 1764.

Before we conclude, we think that duty to the public and regard to the honor and dignity of the Continental Congress, require that we make a few remarks on the report and declaration of Col. Ethan Allen, before recited. On which we must observe, that if his account be true, as before related, it is in a degree alarming; as of all other legislative, judicial or executive powers on the continent, the Congress

(who hold the supreme power) ought to stand in the highest and fairest point of view; and no court has more justly obtained an established character for wisdom, integrity and impartiality, and none so clear from the imputation of intrigue and bribery of any kind whatsoever. And as it is of the highest importance that their character be supported; and that they and the public be acquainted with everything of a public nature, which is derogatory to the honor and integrity of that august body, we have thought it expedient to publish to the world Col. Allen's representation of the conduct of the New-Hampshire delegates, contained in his report and declaration before rehearsed, which we conceive to be of that kind. And although it has the appearance of partial friendship to this new State, yet we wholly reject it, as being done without their knowledge or desire:* that it savors too much of intrigue and bribery, and is a method of obtaining our cause that we despise, for we desire not to have that honorable body or any member of it, injure their character for the sake of helping us; nor that they do the same to our injury. If the justice of our cause, when rightly understood by impartial judges, won't support us, we are willing to fall. And as the said report and declaration are matters of fact, and lie fair for every one to make his comments upon, we submit them without saying anything further thereon.

JACOB BAYLEY,
ELISHA PAYNE,
BEZA WOODWARD,
} Committee.

New-Hampshire Grants,
Dec. 1, 1778.

*Altho' it is evident by Col. *Allen's* report that he was not constitutionally appointed to appear at Congress as agent for the State of *Vermont*, yet his going "by desire of the Governor, and at the request of several members of the Council," carries the appearance of his having authority from them for that purpose, and doubtless added great weight to his proposals to and agreements with the members of Congress in behalf of the State; which "the Governor and several members of the Council" had no right to confer without a quorum of the Council constitutionally convened, which appears by his report not to have been the case in the present instance.

SECTION VIII.

Measures to form a new State of towns on both sides of Connecticut River.

Resolves of a Convention held on the New Hampshire Grants.*

[P. 101.] *At a Convention of Delegates from twenty-two Towns on the New Hampshire Grants from both sides of Connecticut River, held at Cornish, Dec. 9th, 1778;—*

Voted unanimously,

1. That the members of this Convention will unite together for the purpose of pursuing such legal and regular measures as may have a tendency to secure to these Grants the benefits of good government, without any regard to the distinction made by the arbitrary line drawn on the western bank of Connecticut-river by the King in Council, in the year 1764.

2. A pamphlet entitled *A public defence of the right of the New Hampshire Grants, &c.* compiled by the major part of a Committee appointed by the Assembly of *Vermont* for that purpose was repeatedly read and unanimously approved.

3. Whereas, notwithstanding the request for this Convention, but few of those towns whose members continue to act with said Assembly, after the protesting members had withdrawn, have sent members to this Convention; and the conduct of the Assembly in passing the votes and resolves contained in their printed Journals, the protest, remarks,

* This paper is printed in a pamphlet found in the library of the N. H. Hist. Soc., reprinted in Vol. VIII, State Pap. N. H., pp. 817, 818. —Ed.

&c. have rendered it impracticable for said Assembly to carry into execution said resolves as therein proposed, which difficulty will continue so long as said votes stand in force; and as the people in those towns by justifying the conduct of the Assembly in violating the Constitution, will on their part dissolve the solemn compact which they entered into by the Confederation, and the people consequently become discharged from their allegiance and obligations to the State. Therefore,

Voted, That the proposals contained in the before mentioned address, be made to *New Hampshire*, viz.

1. To agree upon and settle a dividing line between New Hampshire and the Grants, by Committees from each party, or otherwise as they may mutually agree.

Or, 2. That the parties mutually agree in the appointment of a Court of Commissioners of disinterested judicious men of the three other New England States, to hear and determine the dispute.

Or, 3. That the whole dispute with New Hampshire be submitted to the decision of Congress in such way and manner as Congress in their wisdom shall prescribe:

Provided always, that the Grants be allowed equal privileges with the other party, in espousing and conducting their cause.

Or, 4. If the controversy cannot be settled on either of the foregoing articles, and in case we can agree with New Hampshire upon a plan of government, inclusive of extent of territory, that we unite with them, and become with them one entire State, rejecting the arbitrary line drawn on the western bank of Connecticut river by the King of Great Britain in 1764.

4. *Voted*, That the inhabitants of those towns on the Grants, in the State of *Vermont*, who have not sent a representative to this Convention, and whose members joined with the majority of said Assembly in passing the votes, on account of which the protesting members withdrew, be requested to direct their respective members to rescind said votes, and join us in making said proposals to *New Hampshire*.

5. *Voted*, That in case those towns whose members continued to act with the Assembly of *Vermont*, still remain

firm and steadfast in supporting and continuing said votes of Assembly, and neglect to join in carrying into execution said report of their Committee, we will make overtures to join with *New Hampshire*, on the last article in said proposals.

6. That all the other towns on said Grants be requested to join us in making proposals to *New Hampshire* as beforementioned—and that those towns which agree to join therein, be requested to transmit copies of their votes relative thereto, to Governor *Marsh*, Mr. *Woodward*, Col. *Morey*, Maj. *Child*, Col. *Payne*, Col. *Olcott*, or Gen. *Baley*, who are hereby appointed a Committee* for receiving them, and carrying the foregoing votes and proposals into execution, so soon as the towns on the Grants can have reasonable opportunity to join us therein.

7. *Voted*, That said Committee be impowered to call a Convention from the towns on the Grant, whenever any thing shall appear, which shall in their opinion, render one necessary.

J. MARSH, Chairman.

Extracted from the votes of said Convention.

B. WOODWARD, Clerk.

Letter from Ira Allen to Meshech Weare, relative to the existing state of affairs, dated

[P. 105.] Windsor, December 12th, 1778.

Honrd SIR—

As I wish to do nothing that conserns a Neighbouring State, but what should be there made known, I therefore herewith Inclose to you my Printed Letter to the Inhabitants of this State, as also an Extract of the Prosedure of a

*The above named gentlemen of the committee were prominent citizens of the following towns, viz., Lieut.-Gov. Marsh, of Hartford; Bezaleel Woodward, of Hanover—from 1770 to 1778 tutor in Dartmouth college, and afterwards treasurer; Col. Israel Morey, of Orford; Maj. Jonathan Child, of Lyme; Col. Elisha Payne, of Cardigan or Lebanon; Col. Peter Olcott, of Norwich; and Gen. Jacob Bailey, of Newbury.

Gen. Bailey was born in Newbury, Mass., July 2, 1728; was a captain in the French war, 1756, 1757; was colonel at the capture of Ticonderoga and Crown Point, 1759; settled at Newbury, Vt., in October, 1764, and became one of its most distinguished citizens. He died March 1, 1816. (See Biog. Gov. and Coun. Vt., Vol. I, p. 117.)—ED.

Convention called at the Request of those Gentlemen that with Drew from the council and Assembly of Vermont at their session in October last;—said Convention was held at Cornish on the 9th day of Instant Decemr. As I Providentially Happened at said Convention, and as I have been conversant with the principal men in most of the Towns between this and Cohoos, shall make a few observations on the Present confused State of affairs in those Parts.

There was eight Towns Represented in said Convention from the West side of the River and Probable two or three more may joine them. But in most if not all of said Towns there is a large minority in oposition to such Prosedure.

In the sixteen Towns sed to be in union with this State sinc the Brake in the Assembly of October Last, the Party that was in favour of New Hampshire have considerably Increased.

Within the disaffected Towns on both sides of the River are several Gentlemen whose Design is to *Brake up this* [P. 106.] *State and connect the whole to New Hampshire for the sole Purpose of Bringing the seat of Government on Connecticut River at or near the College, and to establish a Plan of Government similar to Vermont.*

There is no authority exercised East of Connecticut River by this State, and I dare Engage at the Risque of my Reputation as a man of Honour or common sense, that the future General Assembly of this State will not countenance an encroachment on the State of New Hampshire.

In the year 1764 by an Arbitrary act of the Crown the Grants West of the River was put under the Jurisdiction of New York, where the Inhabitants have since Experianced all the Evils that a Colden, Dunmore and Tryon, together with a clan of New York Land jobbers could invent and inflict;—in the course of which troubles (as I am informed) application was made to New Hampshire to assert their clame, which was Reffused. The Inhabitants on the West side of the Green Mountain Boldly asserted their Rights and Defended their Property untill the late Revolution; soon after which Overtures was made to the Inhabitants of the then Counties of Cumberland and Gloucester who had in some degree submitt to the Arbitrary Power of New York and had then members in the Provential Congress of said State; after many Perswasive Arguments the Inhabitants in said

Counties connected with those on the West side of the Green Mountain to form a State, and proseded to form a Constitution &c.

[P. 107.] Had it not been for that the Inhabitants of this State would by their own consent been effectually bound to New York, by connecting with them in forming a constitution &c. Had that been the case no one would have been so hardy as to have thought of claiming the antient jurisdiction of New Hampshire, nor even New Hampshire of claiming the now State of Vermont, any more than the Massachusetts Bay the southerly part of said States. But it seems a few Restless Uneasy men not having the good of either of the States at Heart, (but their own private Interest and Immoliment) are about to clame the antient Jurisdiction of New Hampshire. Should that be the case, doubt not but they will meet with such treatment as to Justice may appertain.

I am, Honor[d] Sir, with due Respect
Your most obedient Humble Servant
IRA ALLEN.

The Honourable
Meshech Weare, Esq[r].

Address to the Inhabitants of the State of Vermont, by Ira Allen, dated at Dresden, Nov. 27, 1778.

[From a printed Document.]

[P. 109.] TO THE INHABITANTS OF THE STATE OF VERMONT.

GENTLEMEN—

Whereas the General Assembly of this State did appoint me to wait on the Honorable Meshech Weare, Esq. President of the Council of the State of New Hampshire, with a Letter from his Excellency Thomas Chittenden, Esq. and another from Col. Ethan Allen, &c. And whereas several of the members of the Honorable Council and Assembly of this State, desired me to write to them (on my return from New Hampshire) the state of affairs relative to the Union with sixteen Towns east of Connecticut-River and this State: I therefore beg leave to state the following as a short state of the matter, viz.

When I arrived at Exeter found the General Assembly then sitting, delivered said Letters to the President, who after examining the same in Council, sent them to the House for their inspection: the said Letters were again read and largely discoursed on, and a Committee appointed from both Houses to answer the same.—I being then present besides having many other conferences with the members of both Houses, found

that they were unanimous for maintaining Inviolable their Jurisdiction to the East Banks of Connecticut-River, but that they had no disposition to intertere with the State of Vermont in its first described Limits, which will more fully appear by their Resolution in the affair of Mr. Hovey, and an Extract of President Weare's Letter to Col. Ethan Allen, which is as follows, viz.

"State of New Hampshire

In the House of Representatives, Nov. 10th, 1778.

According to the Vote of the House of this day, the Honorable Council and House being met in the Assembly Chamber, the Honorable Meshech Weare, Esq. in the chair, proceeded to take under consideration the Petition of Nathaniel Hovey, preferred to the Honorable Committee of Safety of this State on the 24th September last,* and the further transactions thereon—And upon consideration of the same came to the following Resolutions and reported, That two Hundred Pounds be granted to the said Hovey, out of the Treasury, by order of the President, for his present necessities, to be by him accounted for; and that the persons named as Rioters in his complaint and Petition, together with Nehemiah Estabrook, of Lebanon, be notified to attend the hearing of said Petition before the General Assembly, if sitting, or Committee of Safety of this State in the recess, on the Second Thursday of December next, and that the Secretary be directed to issue proper notice to the said persons; and that Capt. Samuel Atkinson, of Boscawen, be directed to Notify them accordingly:—Which Report was read and accepted."

Sent up for concurrence.

JOHN DUDLEY, Speaker, Pro. Tem.

A copy Examined by E. THOMPSON, Secy."

[From Mr. Weare's Letter.]

"As you have been so full and explicit in your own sentiments, I trust the Body of your people will be of the same opinion, as I am sure every sensible person will; notwithstanding blind designs of some uneasy and never to be contented men, whose views must certainly be more detrimental to you than they possibly can be to New Hampshire—Whatever may be determined by Congress relative to the acknowledgment of your Independence will be freely acquiesced in by this State."

[P. 110.] I find by enquiring into the situation of the Grants (so called) east of Connecticut River, that the Towns in the County of Cheshir are almost Unanimously Represented in the General Assembly of New Hampshire—and that about twelve Towns in the County of Grafton are also Represented in the Assembly of New Hampshire—and that in the sixteen Towns in connection with this State by said union, there is a large minority in opposition to said union.

Amongst the arguments made use of by New Hampshire to support their claim to Connecticut River, are the following, viz.

That by the determination of the Court of Great Britain in establishing Provinces in North America, said Lands were included in the jurisdiction of New Hampshire, and in consequence of that many Charters

* See Vol. VII N. H. Hist. Coll., p. 167, and Town Pap. N. H., vol. IX, p. 465.—ED.

for Towns was granted by the Governor of said Province with all the priviledges and immunities that any other Towns in said Province did enjoy, which they held under the Crown untill the Revolution; at which time Circular Letters was sent to the several Towns thro' that Province, to Choose Members to form a Congress to transact the political business of the State, at which time several of those Towns now in union with this State sent Members: About a year after a second Congress was chosen, and some of said Towns sent members. Said Congress then established a Plan of Government which was to remain in force untill the exigencies of the State would admit of more leasure time to form another:—which plan or Constitution of said State has ever since and now remain to be governed by. Since the depreciation of Money, an additional pay has been given by the State of New Hampshire to the Militia of said State, in addition to their Continental pay when in such service; which pay has been cheerfully received by the Militia of said Towns.

Thus Gentlemen I have given you a short state of facts, agreeable to the best information I can get, by which you will observe that the State of New Hampshire are willing that the State of Vermont should be a State in its first described limits west of Connecticut River.

I have also to observe, that by several authentick Accounts lately received from the Honorable Continental Congress, that the Delegates are willing that the State of Vermont should be a State within its first described limits (the Delegates of New York excepted) which fully appears from that Honorable Body's not passing any Resolves against any of the Proceedings of the State of Vermont since its formation, altho' often requested by New York.

Having met with several printed papers published by order of those Gentlemen that withdrew from the General Assembly of this State at their session in October last: But as I did not design this Letter for an answer thereto, shall make but few remarks thereon:—

In the course of which papers there is a request to all the Towns on the Grants on both sides of the River, whether united with the State of Vermont or not, to send members to form a Convention to consult and agree upon measures whereby we may all be united together, by being and remaining a distinct State, on such foundation that we may be admitted into confederation with the United States of America, and under their protection, &c.

A very large part of the Towns on the Grants west of the Mason line and East of Connecticut River, are Represented in the General Assembly of New Hampshire, and consequently they are Represented in Congress: therefore they cannot withdraw from New Hampshire, and con-
[P. 111.] nect with any other body politick, and present themselves to Congress to be taken into Confederation with the United States, for they are already taken into Confederation by the way of New Hampshire:—The way them Towns could Act, were they to send members to said Convention, would be to act on the latter clause of the Warrant which is to claim the Antient jurisdiction of the Government of New Hampshire, and in that way defend ourselves against the pretended right of jurisdiction of any other State, and thereby become one entire State according to the extent of New Hampshire Province as it stood

before the Decree in 1764 took place—But whether that is the design of the Convention or not I leave the candid reader to determine.

I appeal to every person's own conscience in the State of Vermont, whether when the inhabitants on the west and east sides of the Green Mountain, first connected together to become one body politick, they did it under a view that the Grants east of Connecticut River would join them: and if it had not been for that, they would not have joined in said plan.

All those that did unite together in one body politick to form a State west of Connecticut River, will, I doubt not, on due consideration, pursue that desirable object; (if any difficulties should arise so as unhappily to separate those Towns east of Connecticut River from this State) for in that view of the case we should then enjoy all we first expected; and as the Constitution of this State is so happily calculated to preserve inviolable the rights of the people: and as in it there is ample provision made for the propagation of the Gospel, together with proper Seminaries and Schools of learning, which are among the greatest blessings God in his wisdom ever bestowed on the fallen race of man.

By what has already been elucidated, it appears that the State of Vermont is in favor with the United States of America: therefore if the people in said State are, and continue steadfast to maintain the same, they will without doubt support the Independence of said State, so long as the United States do theirs.

Since the choice appears to be in the brest of the good people of this State whether they will be governed by the agreeable Constitution they have made, or lay that a side and seek for connections with a neighbouring State, which is some in debt, and whose known plan of representation is by numbers, so that it would take five or six of our new Towns to send one member; and when we consider that those infant plantations have gone thro' numberless fatigues and expences to defend their just rights from the arbitrary power of New-York; and since this present contest we have been a frontier to three neighbouring States, our inhabitants have been obliged to flee before their enemy, our soldiery often called forth by alarums, who have fought and bled nobly on the field for the defence of their country:—Is there not a much greater probability that we should be considered for those extraordinary difficulties, by the Honorable, the Grand Council of America, in defraying the expense of this unnatural war, than by the legislature of any State whose private interest would be nearer connected with ours.

I doubt not but every reasonable person will, on due deliberation determine that it is best, wisest, and cheapest for the good people of this State, to steadily pursue their plan of Government which will transmit to posterity the blessings of a free State.

I am, Gentlemen, with due respect

Your most most obedient, Humble servant,

IRA ALLEN.

Dresden, November 27th, 1778.

Final dissolution of the Union of Towns East of Connecticut River with the State of Vermont.

[From Slade's Vermont State Papers, pp. 102, 103.]

Report of a Committee, &c.

"In General Assembly, February 12th, 1779.

Resumed the consideration of the union between this State and sixteen towns east of Connecticut river; when, the instructions of the freemen of this State to their representatives concerning said union, being examined, it appears that they are instructed to recede from such union. Therefore

Resolved, that Mr. Hibbert and Mr. Wells be a Committee to join a Committee from the Council to prepare a draught relative to dissolving the union between the sixteen towns, before mentioned, and this State; and report thereon to this House.

The Committee appointed to prepare a draught relative to dissolving the union with sixteen towns east of Connecticut river, with this State, brought in the following Report, viz.

Whereas, in consequence of a representation made to the General Assembly of this State, at their session at Windsor, in March 1778, by a Committee consisting of seven persons, inhabiting several towns, lying contiguous to the east side of Connecticut river, that a number of inhabited towns, east of said river, were then unconnected with any State, in regard to their internal police; and, on said Committee's application to the General Assembly, that the said towns might be admitted into the union with this State, orders were issued by the Assembly to the representatives' constituents, for instructions in the premises;

And, whereas, in consequence of such instructions, the representatives of said constituents, when met, at their adjourned session, at Bennington, on the eleventh day of June last, did receive into union with said State sixteen towns east of Connecticut river, and grant leave for other towns to unite, if they should choose;

And whereas, a dispute has arisen in respect to the right New Hampshire have to exercise jurisdiction over those sixteen towns, as claimed in a letter to his Excellency Thomas Chittenden, Esq., by Meshech Weare, Esq. President of the Honorable Council of the State of New Hampshire, dated August 22d, 1778:

And whereas, the General Assembly of this State did at their session at Windsor, in October last, agree on certain methods (contained in the report of the Grand Committee of both houses) to settle and adjust the dispute with New Hampshire, nevertheless, the measures to be pursued to effect those methods, were rendered impracticable by the members east of said river withdrawing themselves from the house, in an unconstitutional manner, and forming a Convention, in direct violation of the most solemn oaths and obligations into which they had entered, declaring themselves discharged from any and every former confederation and association with this State:

And whereas, your Committee have just grounds to apprehend, that the said sixteen towns are, of right, included within the jurisdiction of

New-Hampshire; they are therefore, of opinion, that the said union ought to be considered as being null from the beginning.

JONAS FAY,* Chairman of Committee.

The above draught being read, was accepted, and this house do, thereupon, resolve that the said union be, and is hereby dissolved, and made totally void, null and extinct: and that his Excellency the Governor be, and he is hereby directed to communicate the foregoing draught, and resolve thereon, to the President of the Council of the State of New Hampshire."

Letter from Thomas Chittenden to Meshech Weare relating to the foregoing Resolve, &c., dated

[P. 121.] Bennington, 26th February, 1779.

In Council.

SIR—

Your favour of the 5th of November last was seasonably delivered me by Ira Allen, Esq. I have purposely omited an answer until the General Assembly at their present session, should be able to direct me in what manner I might be warranted to do it, which I find cannot be more explicitly done, than by enclosing their Resolution for dissolving the union (so called) with sixteen Towns east of Connecticut River, which I herein enclose.

The Laws of this State are now nearly fited for the press, and will be immediately printed and circulated amongst the inhabitants; the execution of which, I flatter myself, will prove sufficient to quiet any disturbances among the inhabitants west of Connecticut River; but as those on the east side (who have been heretofore considered as being united with this State) are accomplices with some few disaffected persons on the west side Connecticut River, in creating

* Dr. JONAS FAY resided at Bennington, Vt. He was son of Stephen Fay, born at Hardwick, Mass., Jan. 17, 1737, came with his father to Bennington, 1766, and soon took and held prominent positions in civil and military affairs in the new state. At the age of 19 he served in the French war, 1756; was with Ethan Allen, as surgeon, in the capture of Ticonderoga in May, 1775. In July that year was appointed by Massachusetts committee to muster troops sent on to Ticonderoga. Was of the Vermont council of safety in 1777–8, of the state council seven years, agent of the state to the continental congress four times, from 1777 to 1782, a judge of the supreme court, 1782, and judge of probate from 1782 to 1786. After 1800 he resided awhile in Charlotte and Pawlet, and died in Bennington, March 6, 1818, aged 81. (See Biog. Gov. and Coun. Ver., Vol. I, p. 122.)—ED.

Feuds and Jealousies to the disturbance of N. Hampshire as well as this State, your wisdom therefore in quieting those disturbances east of the River will doubtless prove sufficient.

The bearer hereof, Ira Allen, Esq., who is appointed to communicate this, will be able to give further inteligence in the premises.

I am, Sir, with sentiments of esteem

Your honor's most obedient humble servant,

THOS. CHITTENDEN.

The Hon^ble^
Meshech Wear, Esq., President
of the hon^bl^ Council of the State of New Hampshire.

Letter from Ethan Allen to Mesheck Weare, dated

[P. 123.] Bennington, 4^th^ March, 1779.

SIR—

The union which Impolitically was for a Time adheard to by a Majority of this State, and which Rec'd its death wound at the session of our General Assembly in October last, at Windsor, has at our late session at Bennington, been in the fullest and most explicit manner Desolved; and that without a Dissenting vote. And as the Laws of this State are nearly ready for the press, and will soon be Promulgated among the People, after which this Government will Exert itself to Quiet the schism on this side of the River, and I hope your Government will vigerously Exert their authority to the East Banks of the River; for I consider the schism on both sides to be equally against both governments, and therefore both should join to suppress it.

[P. 125.] I have this further Reason for the Exertion of Government; as I am confident that argument will be lost with them, for the heads of the schism at large are a Petulent, Pettefoging, Scribling sort of Gentry, that will keep any Government in hot water, till they are Thoroughly brought under by the Exertions of authority.

This matter, I submit to your better judgment, and remain, with Due Respects your honor's

Most Obedient and Hum^le^ serv^t^,

ETHAN ALLEN.

Bennington, March the 4^th^, 1779.
Hon^le^ Mesheck Weare, Esq^r^.

SECTION IX.

Proposal to unite all the New Hampshire Grants with the State of New Hampshire.

Petition of Jacob Bailey and Davenport Phelps, relating to a connection of all the New Hampshire Grants with the State of New Hampshire.

[Copied from Slade's State Papers, pp. 104–105.]

To the Honorable the President in Council, and the Representatives of the State of New Hampshire, in General Assembly convened: The subscribers hereto, beg leave to represent:—

That a large number of Charters of Incorporation of certain tracts of land, were formerly issued from their Excellencies Benning Wentworth and John Wentworth, Esqr^s^, in the name of the King of Great Britain, lying and being west of the Mason Grant, and east of a north line drawn from the north-west corner of the now State of the Massachusetts Bay to Lake Champlain, and from thence to the latitude of forty-five degrees: That in the year 1764, the aforesaid King of Great Britain, in violation of his contract with the grantees, and in an arbitrary manner, passed a decree, that there should be a division of the aforesaid Grants between the then Province of New York and New Hampshire; to which decree the inhabitants of said grants were then, and have ever since been averse; as they were, thereby deprived of privileges, which they of right claimed, and, in their settlement, reasonably expected, within the jurisdiction of New Hampshire;—That the inhabitants aforesaid, since the declaration of independence, view themselves at liberty to connect in one body politic, or unite with any other State;—That they are now, in general, desirous of an union with the State of New Hampshire;—That the representatives of the people in Assembly, on the 20^th^ of October last, Voted, that a defence of the rights of the people be stated by a Committee appointed for that purpose,

and that answers to some letters &c. be drafted by said Committee. Also, that offers be made to the State of New Hampshire either to settle a boundary line between said New Hampshire and the Grants, by a Committee mutually chosen, or in such way as Congress may point out; or to make an offer of the whole of said Grants to New Hampshire:

That on the 9th day of December last, by a Convention of Committees delegated by the inhabitants of said grants,* it was voted, that proposals of an union with said New Hampshire be made to the Assembly of said State.

In consequence whereof, we, the subscribers, being duly authorized for that purpose, do now propose to this honorable Court, that the whole of said grants be connected and confederated with said State of New Hampshire, receiving and enjoying equal privileges and immunities with the good people of said State.

Dated at Newbury, this 17th day of March, 1779,

JACOB BAILEY†
DAVENPORT PHELPS.

Proceedings of the Legislature of New Hampshire, on the foregoing Petition:

STATE OF NEW HAMPSHIRE.

In the House of Representatives, April 2d, 1779.

The Committee on the petition of Gen. Bailey and Mr. Phelps, relating to the New Hampshire Grants, so called, reported, That this State should lay claim to the jurisdiction of the whole of the New Hampshire Grants, so called, lying to the westward of Connecticut River, setting forth the right this State has to the same: Allowing and conceding, nevertheless, that if the honourable Continental Congress shall allow the said Grants to the westward of Connecticut river, to be a separate State, as now claimed by some of the inhabitants thereof, by the name of Vermont, that in such case, the State of New Hampshire will acquiesce therein:—And that this State shall exercise jurisdiction

* Only eight towns in Vermont were represented in this convention. —Williams.

† In Slade's Papers the name is erroneously spelled Balley.

as far as the western bank of Connecticut river, and no further, until the dispute is settled by Congress.

By order of the major part of the Committee,
(Signed) JOSIAH BARTLETT, Ch.

Which report being read and considered—Voted, That it lie for further consideration, until the next session of the General Assembly of this State.

Sent up for concurrence,

JOHN LANGDON, Speaker.

In Council the same day, read, and concurred.

E. THOMPSON, Sec'ry.

STATE OF NEW HAMPSHIRE.

In the House of Representatives, June 24th, 1779.

The House, by vote, took under consideration the report of the Committee of the second day of April last, which was, at that session, Voted to lie for consideration until this session, relative to the New Hampshire grants &c. And the question being put, whether the report of the said Committee be received and accepted or not? It passed in the affirmative.

Sent up for concurrence,

JOHN LANGDON, Speaker.

In Council, the 25th of June, 1779, read and concurred.

E. THOMPSON, Sec'ry.

Proposal of sundry matters to the town of Newbury, by order of a Committee signed Joseph Marsh, chairman, dated

Dresden, April 23d, 1779.

[P. 131.] TO THE INHABITANTS OF THE TOWN OF NEWBURY, on the New Hampshire Grants:

The Committee appointed by the Convention held at Cornish in December last having laid before the Assembly of New Hampshire the Proposals contained in a printed Pamphlet entitled a "*Public Defence*," the said Assembly have it in contemplation to extend their claim over the *whole* of the *New Hampshire* grants, submitting to Congress whether a new State shall be established on the Grants; but have deferred a Determination of the Matter till their

June Sessions, that they may more fully know the Sentiments of the Inhabitants respecting such a measure.

In order therefore that the real Sentiments of the Inhabitants on the Grants may be collected, and the Matter which has been long held in Suspence be brought to an Issue, the Committee request that a Return be made some time in the month of *May* next to General *Bayley*, of the following Matters, that they may be communicated to the General Assembly of New Hampshire, at their next Sessions.

1. The Number of legal Voters in Town Meetings, as nearly as they can be conveniently ascertained.

2. The Number who attend the Town Meeting when the following Question shall be put.

3. The Yeas and Nays on the following Question, viz:

Whether this Town is willing that the Assembly of New Hampshire extend their claim and jurisdiction over the Whole of the Grants;—New Hampshire at the same time submitting to Congress, whether a new State shall be established on the Grants?

Dresden, April 23d, 1779.

Per order of the Committee

J. MARSH, Chairman.

Agreeable to the above Request the Town of Newbury met, according to a warning for that purpose, and the Question above put:

{ Yeas 20 } 60 soles in s[d] town
{ Nays 1 } owning freeholds.

JACOB KENT, Town-Clerk.

Return from Hartford.

[NOTE. Precisely the same matters and question were referred to the inhabitants of the town of Hartford (return to be made to J. Marsh), [P. 133.] and probably to other towns on the said Grants. The return from Hartford was as follows, viz.:—ED.]

"In the affirmative 19 { "Reserving to ourselves the Right
negative 4 { we have had or could have had to be a New State Notwithstanding.

Attest, AMOS ROBINSON, Town Clerk."

Return from Moretown.

[P. 135.] Att a Leagel Town Meeting Held in Morctown on the New Hampshire Grants, the 25th Day of May 1779. The Number of Voters to act in Town Meetings is forty; fifteen attended said meeting and voted the following vote: Its our desire to be a New State but are willing to submit the matter to Congress whether we shall be a New State, and if that cannot be obtained, we Desire to be annex'd to the State of New Hampshire. And we find by information it is the opinion of the Town in general that New Hampshire extend there jurisdiction over the whole of the Grants.

NOAH WHITE
EBENEZER MORTON } Selectmen.

Return from Peacham.

The Town of Peacham having Received warning from J. Marsh, Chairman, to take the Yeas & Nays on the following Question, viz. Wheather this Town is willing that the Assembly of New Hampshire, extend their claim and Jurisdiction over the whole of the Grants;—New Hampshire at the same time submitting to Congress Wheather a New State shall be Established on the Grants.

The Town having been duly warned met accordingly, the Twenty-fifth day of May A. D: 1779, and proceeded as follows, viz.

1dly Chose James Bayley, Moderator & Jonathan Elkins Clerk of said meeting.

2dly Proceeded to know the number of Legal Voters in said Town and find Eleven.

3dly The Number of Legal Voters who attended the meeting when the above Questions ware Put, and find seven, viz.

James Bayley,	yea
Jonathan Elkins,	yea
Archibald Laughlin,	yea
John Skiels,	yea
James Bayley, junr,	yea
Peter Johnson,	yea
Meshech Libby,	yea

JONATHAN ELKINS, Town Clerk.

Col. Olcott and Beza'l Woodward, agents.

[P. 137.] At a meeting of the Committee of Associated towns in the northern parts of New Hampshire Grants, June 3d, A. D. 1779.*

Voted, That Col. Olcott and Mr. Woodward be and hereby are appointed in the name and behalf of the people in the northern parts of the New Hampshire Grants, to use their endeavors that the Assembly of New Hampshire, at their next Sessions, assert and effectually prosecute their claim to the grants west of Connecticut River.

Pr. order—

JOSEPH MARSH, Chairman.

SECTION X.

REFERENCE TO CONGRESS OF MATTERS IN CONTROVERSY.

Resolves of Congress respecting the New Hampshire Grants.

[P. 139.] In Congress, June 1st, 1779.

Whereas divers applications have been made to Congress on the part of the State of New York, & of the State of New Hampshire, relative to disturbances and animosities among inhabitants of a certain district known by the name of "The New Hampshire Grants," praying their interference for the quieting thereof: Congress having taken the same into consideration:

Resolved, That a Committee be appointed to repair to the Inhabitants of a certain district known by the name of the New Hampshire Grants, and enquire into the Reasons why they refuse to continue citizens of the respective States which heretofore exercised Jurisdiction over the said district;—For that as Congress are in duty bound on the one

* It does not appear where this meeting was held, nor are the names of the associated towns given.—ED.

hand to preserve inviolate the rights of the several States, so on the other, they will always be careful to provide that the Justice due to the States does not interfere with the Justice which may be due to Individuals.

Resolved, That the said Committee confer with the said Inhabitants, and that they take every prudent measure to promote an amicable Settlement of all differences, and prevent divisions and animosities so prejudicial to the United States.

Resolved, That the further consideration of this subject be postponed until the said Committee shall have made Report.

Ordered, That they report specially and with all convenient speed.

June 2d, 1779.

Resolved, That the Committee to repair to the Inhabitants of the New Hampshire Grants consist of five, any three of whom to be empowered to act.

The members chosen—Mr. Ellsworth, Mr. Edwards, Mr. Witherspoon, Mr. Attlee and Mr. Root.

Extract from the Minutes.

CHA^{s}. THOMSON, Sec'ry.

[P. 141.] Edwards, of Massachusetts Bay.
Ellsworth, Root } of Connecticut.
Witherspoon, of New-Jersey.
Attlee, of Pennsylvania.

Letter from Thomas Chittenden to Meshech Weare respecting a jurisdictional claim of New Hampshire to the Territory of Vermont, dated

[P. 143.] Windsor, State of Vermont, June 3d, 1779.

SIR—

The honorable Ira Allen Esq^{r}, who was appointed to wait on the hon^{bl} the Council and General Assembly of N. Hampshire in March last, with a letter from me, and to transact other public business of this State with them, having reported to the General Assembly of this State,* that a

* See statements made by Ira Allen on this subject in Vol. I, Gov. and Coun. Ver., pp. 432-435.—ED.

Committee of the Assembly of N. Hampshire appointed at their last Session, brought in a Report that they tho't it expedient, that N. Hampshire should lay in a Jurisdictionate Claim to the territory of Vermont, and that the consideration thereof was refered to their Sessions in June instant; and the Assembly of this State, having this day resumed the consideration of said Report, have requested me to acquaint your honor, that after a full & deliberate debate on the subject, they conceive, that such a claim would be attended with very disagreeable consequences to both Governments, as it would tend to encourage a dangerous Schism, created by certain disaffected persons to both Governments, which is now crumbling into its primitive nothing. I therefore earnestly request, that the State of N. Hampshire do not lay in such a claim, as I presume, that by far the greater part of the Inhabitants of this State are strenuously opposed to such a measure. The bearer Ira Allen, Esq^{r} will be able to give your honor any further inteligence in the premises.

I am your most obedient
humble servant,
THO^{s} CHITTENDEN.

The hon^{bl} Meshech Weare, Esq^{r}.
President of the Council N. Hampshire.

Appointment and Instructions of Ira Allen, as agent, &c., to N. Hampshire.

[P. 147.] In Council.

State of Vermont } Windsor, June 4th, 1779.

Agreable to your appointment by the General Assembly of this State, you are hereby authorized and impowered an agent to confer with the Hon^{bl} the Council and General Assembly of the State of New Hampshire on any political matter which may concern the Interest, Peace and Tranquility of both States, and in special to settle the boundary line of the respective Governments, as it is apprehended by this Council that such a settlement would be attended with the important consequence of quieting the Schism now subsisting, the design and tendency of which is to subvert the authority of both Governments.

By order of Council
THO^{s} CHITTENDEN.

Hon^{ble} Ira Allen, Esq^{r} (Copy).

[NOTE. On the foregoing letter of Gov. Chittenden, and mission of Ira Allen, the General Assembly took action, June 24, 1779, as follows, viz. :—ED.]

In the House of Representatives June 24th, 1779.

According to the order of the day, the Honbl Council & House met in Committee of the whole in the Assembly Chamber, to take into consideration the Letter from Thomas Chittenden Esqr & the letter from General Whipple, and the petition of Genl Bailey & Capt. Phelps, and all other matters and things relating to the New Hampshire Grants, so called: The Honbl Meshech Weare, Esqr in the chair. Proceeded to consider of the matters to them referred, and after some time spent thereon, came to the following resolution and report: That the Matters refer'd, be considered by the several Houses in their separate capacity. The Comtee then Dissolved and the Speaker resumed the Chair & the report of the Committee being read & considered was accepted.

Adjourned to 3 o'clock P. M. Met accordingly.

The House by vote, took under consideration the report of the 2d day of April last, which was at that session Voted to lay for consideration, untill this Session [see *ante*, p. 337] relative to the New Hampshire Grants, &c. And the Question being put whether the report of the said Committee be received & accepted or not, it passed in the affirmative.

Sent up by Mr. Marsh. [Concurred by the Council.]

June 26th. Voted, That the Honbl Ebenezer Thompson Esqr be and hereby is chosen and appointed in behalf of this State, to repair to the New Hampshire Grants, and that he be instructed to confer with the Committee of Congress & inform them of the votes of the General Assembly respecting the Grants, and also how far the Jurisdiction of New Hampshire has been exercised, over the Grants as well on the east as on the west side of Connecticut River; and also in what manner, and in what right the Jurisdiction originated; and also to answer any matters that may be laid before the said Committee by New York or by the Inhabitants of the said grants touching the dispute. Sent up by Mr. Whipple. [Concurred by the Council.]

Address by Ira Allen to the Inhabitants of the State of Vermont, relating to the aforesaid affairs.

[Copied from Gov. & Coun. Rec. Ver., vol. I, App. G., pp. 436–441.]

FRIENDS AND FELLOW-CITIZENS—Pursuant to appointment by the Legislature and Instructions from the Governor and Council of this State, I waited on the General Court of New Hampshire, at their session in June last, and delivered the public Writings intrusted me by the Governor of this State, to the President, which were read in Council, and sent to the House for their inspection: the House, after reading and considering the same, resolved into a Committee, to take into consideration the whole matter respecting Vermont, which was concurred in by the Hon. Board, and Thursday the 24th of June, the Committee met in the Assembly Chamber. and the Resolves of Congress of the 1st and 2d of June were read: Among which was the appointment of Col. *Peter Olcott* and Beza. Woodward, Esq; impowering them as a Committee from the *Cornish* Convention, to use their influence with the General Court of *New Hampshire*, to extend their Claim and Jurisdiction over the whole of the *New Hampshire* Grants. A question was put to said Committee by a Member of the House, *How many Towns were represented in said Cornish Convention on the West side of Connecticut River?* Answer—*About twenty-two in the Whole, and about half of them West of said River*. Said Committee then proceeded to exhibit the Returns made on a Hand-Bill formed by the Committee of the *Cornish* Convention, on the 23d of April last, and sent to the several Towns in this State, for the express Purpose of getting the numbers of the Inhabitants that were willing *New Hampshire* should extend their Claim and Jurisdiction over the whole of the Grants—their Returns were sixty-five persons. They also alledged that they had mislaid or lost the Returns from one Town in which there were one hundred and twenty families, and but four Persons acted in Opposition to connecting with *New Hampshire:* That the Reason why more Persons had not acted on said Hand-Bill, was, that they had not circulated thro' the Grants, by reason of their falling into the hands of the New Statesmen, who secreted or burnt them: That for Eighty miles up and down the Connecticut River, there were but two Members attended the Assembly of *Vermont:*—That so far as they had been able to collect the Sentiments of the People, they were very generally on the east Side of the Green Mountain, and a Number on the west Side of the Mountain, for connecting with *New Hampshire:* then referring to the Members of the House who lived contiguous to Connecticut River, to inform what they knew respecting the matter; Judge *Marsh*, then arose, and with a Degree of Warmth asserted, that to his certain Knowledge, two-thirds of the Inhabitants of the Grants west of the River, would hold up both hands to connect with New Hampshire. A few more of the Members of the House, in conversation with the other Members had endeavored to insinuate Tenets nearly similar. I then proceeded to make my Defence; in which I observed, That it was strange those Gentlemen were at a Loss to determine how many Towns were represented in the *Cornish* Convention, as one was the Clerk and both members of the same: That there were but eight Towns west of the River represented in said Convention: That the Town said Committee had Reference to as having

one hundred and twenty Families, was the Town of *Norwich*, in which Col. *Olott* lived: That I was informed by several respectable Gentlemen of that vicinity, that all due pains were taken to convene the legal Voters on Town Meeting Day;—Some refused to attend, as they would not act against the State of *Vermont*: others were tired of Town Meetings, and neglected to attend;—in all, thirty-one Persons met,—twenty-seven for *New Hampshire*, and four for *Vermont*: That I had as good, if not a better right to count those who did not attend the Meeting for *Vermont*, as they for *New Hampshire*: That said Hand-Bills had been sent into the County of Bennington, in several Places, and that the People there did not take so much notice of them, as to secrete or burn them: That I was knowing to said Hand-Bills circulating thro' a very considerable part of *Cumberland* County: That in several Towns where they had Town Meetings on other Business, said Hand-Bills were read, and the Towns unanimously voted to have nothing to do with them: in other Towns the Select Men said, they knew nothing of "J Marsh, Chairman;" and if they called a Town-Meeting at his Request, by the same Rule they might have a Town Meeting every day, if any Gentleman desired it; therefore they would have nothing to do with it: That by this open and public trial, they had proved, that Gen. *Bailey*, at least, was mistaken, when he asserted in his Petition (preferred to the General Assembly of *New Hampshire* at their Sessions in March last) That the Inhabitants of the Grants were in General, desirous of an Union with *New Hampshire*: That the Eighty Miles mentioned by said Committee, where there were but two Members attended the Assembly of *Vermont*, was true;—but Part of that Distance was Woods, consequently no Member could from thence attend; and some of the other part was thinly settled, and several Towns joined to choose one member; but in that Distance, and for more than eighty Miles more down the River, thro' a settled Country, there were but four Towns on the River where they had got so much as one man in favor of connecting with *New Hampshire*, and not so much as one fourth Part of the legal Voters in those four Towns—a very small Minority indeed in favor of connecting with *New Hampshire*.

I then proceeded to treat largely on the fundamental Arguments, viz. the change of Jurisdiction in 1764—the Proclamation issued by his Excellency Benning Wentworth, Esq. dated about Feb. 1765—the Heads of the Grievances the Inhabitants of *Vermont* have suffered from *New York* since 1764, to the present Era—Expence in sending Agents to *Great* Britain—*New Hampshire* refusing to exert herself to recover her Jurisdiction, although often requested by the Inhabitants of the Grants, when they were put in the greatest Extremity by *New York*—the Right the People had to assume Government, since the present Revolution—Constitution and Code of Laws established—officers of Government, together with the Freemen of the State, sworn to support the Constitution thereof, as established by Convention—Letters from the General Court of the State of *New Hampshire*, in November last, giving their full approbation to the State of *Vermont's* being established by Congress as such, provided the People there, as a Political Body would dissolve all Connections with sixteen Towns east of Connecticut River, which they alledged to be a Part of *New Hampshire*:—That every Engagement on the Part of *Vermont* to New Hampshire, was fulfilled;—That it was one Thing for said State to lay a Jurisdictional Claim to the Territory of Vermont, and another to exercise Jurisdiction.

The Committee of both Houses dissolved, and the House resumed the subject, and voted to lay claim to the Jurisdiction of the Whole of the *New Hampshire* Grants, to the Westward of Connecticut River; nevertheless, allowing and conceding, that if the Hon. Continental Congress should establish the State of *Vermont*, that in such case the State of New Hampshire will acquiesce therein; and that said State should not extend Jurisdiction farther West than the West Bank of Connecticut River, till otherwise directed by Congress. Concurred by the Hon. Board. The General Court then chose a Committee to wait on the Committee of Congress, supposing they would come to the County of *Grafton*.

Although this Proceedure of the Court of *New Hampshire* doth not appear to be to the Disadvantage of *Vermont*, but rather as a Bar against *New York*, yet I must not omit to observe, that there are a number of the members of that Court, who would be exceeding glad to have the Territory of *Vermont* added to *New Hampshire*. Their principal Motives to me appear to be these, viz., That the addition of the Territory of *Vermont* to that State, would most certainly bring the seat of Government into another Neighborhood; but a greater inducement is the unappropriated and Tory Lands within this State, which if added to *New Hampshire*, would help them in the heavy lift of paying Taxes. If said Lands are a sufficient Motive for some Part of the General Court of *New Hampshire* to wish to enlarge their Government for a share in them, surely it would not be for the Interest of the Inhabitants of this State, to take in so many Partners on that Footing, but to the interest of each Individual to oppose such an ungenerous Extention of *New Hampshire*; and warrantable for the following Reasons:

The State of Vermont is at this Time formidable against its old adversary, *New York*, and has little or nothing to fear from her Power in Arms or Influence at Congress.—In former Days, when under *British* administration, for any Set of Men to rise and oppose the Authority, was thought a most daring Thing: People in general were under a strong traditional Bias in favor of Government, and but few, how much soever they might be oppressed, had that Fortitude and Patriotism, that they dare appear in Arms, to defend their just Rights, in Opposition to the undue exercise of Law, when attempted to be exercised by legal Officers of Justice; and when they did, seldom failed of losing some of their Lives, and being vanquished by their Adversaries—witness *Nobletown*, *Livingston's-Manor*, *Bateman's Patent*, &c.—In those Days the *Green Mountain Boys* were put to the sad Alternative of rising in Arms, and opposing the legislative and executive Authority of *New York*, or of giving up their Lands and Possessions to the Land-jobbers of the said Province. Then the *Green Mountain Boys* were few in Number, settled in a Wilderness Country, generally poor, but little more than the Heavens to protect them and their Families from the Inclemency of the Weather,—the Justice of their case not publicly known—a rich, powerful and intriguing Province to contend with, who did not fail to send their emissaries amongst them, in order to make Divisions by Commissions, and every other way in their Power. In short no kind of Bribery or Corruption was too mean for them to be guilty of. Then were the Lives, Liberties and Properties of the People at Stake. In this situation a few small Companies of *Green Mountain Boys* (stimulated by the same patriotic Spirit of Freedom, which has since shined with a

superior Lustre from one end of this Continent to the other, baffled all the diabolical Machinations of their inveterate Adversaries for more than seven years together. Can this be accounted for without acknowledging the propitious Agency of the Deity? In those Days, repeated Applications were made to *New Hampshire*, to exert herself to obtain the Jurisdiction again: but her language then was nearly similar to that of righteous Job: for it was, *The King gave, and the King hath taken away, and blessed be the name of the King.* From that day to this, said State hath not exerted herself to obtain Jurisdiction again.

It was by virtue of a royal Edict, that *New* Hampshire ever had a Right of Jurisdiction to the westward of Connecticut-River, and by the same Authority, in 1764, the Jurisdiction was curtailed to the West Bank of said River; and the Assembly of said Province did then acquiesce therein. The members thereof did publicly assert that they had no desire that their Province should extend any farther than said River; and that they would not do any thing to obtain Jurisdiction over a Territory they did not want.—Had the People then submitted to the jurisdiction of *New York*, and since the present Revolution associated with them, and assisted in forming a Constitution, established Courts, &c. the Inhabitants would now have been effectually bound down to the Jurisdiction of said State; and it would have been now as much out of the power of *New Hampshire* to extend their Jurisdiction to their ancient western Limits, as for the Massachusetts-Bay now to extend their Jurisdiction to their ancient northern Limits,—which I believe none are now so hardy as to think of.

By what has been already elucidated, it appears, that the Inhabitants of the Grants, by their own Exertions, have saved themselves from the heavy Yoke of Bondage which *New York* had prepared for them and their Posterity; and that the Right of *New Hampshire* (so late in the Day) to the Territory of Vermont, must be very inconsiderable: And now, for a few of the Members of that General Court, with the Assistance of a few Individuals to the East and West of Connecticut-River (for sinister views) to think of breaking up the State of *Vermont*, and connecting the Territory thereof to *New Hampshire*, is an idle Whim, a mere Chimera.—It is well known, that by Reason of Oppression from *Great Britain*, *America* revolted from her, and published to the World a List of Grievances for the Vindication of her conduct. In like manner the Inhabitants of the now State of *Vermont*, published a List of Grievances received from *New York*, which to me appears as numerous and aggravating as those this Continent has against *Great Britain*.

All governmental Power was given by God himself to the People: therefore, the Inhabitants of the now State of *Vermont* did associate together and assume to themselves that inestimable Blessing of Heaven —*civil Government*. This they did upon the same grand original Basis, or great Rule of Eternal Right, that a Number of the present Powers of Europe revolted from the several Kingdoms to which they paid Allegiance, and on which the United States of America revolted from *Great Britain*, and assumed to themselves Civil Government. The Inhabitants of *Vermont*, for more than ten years last past, have nobly exerted themselves for the Defence of their Liberties and Property, and in the present Revolution did most heartily join their Brethren for the joint Defence of the Liberties and Property of the Americans in general, and have

distinguished themselves to the World, as a truly brave and enterprising People; and it is conceded to by the United States, that they have done their full proportion in this War:—consequently they are entitled to equal privileges with the Rest of their Brethren in *America*.

They have not delegated their natural Right of Legislation out of their own Hands:—Their Numbers and Territory are sufficient for a State, and they have now as good a Right to govern their own internal Police as any one of the United States have theirs. By their noble Exertions in the Cause of Liberty, they have acquired the Esteem and Confidence of the United States—merited a Right to the Articles of Confederacy, and a Seat in the Grand Council of *America*. These precious Privileges, I conceive, will be the ultimate Reward of their many expensive Toils, Battles and Hazards, and for the attainment of which they have suffered such an uncommon share of concomitant Evils.—And as I have Reason to apprehend the Grand Council of *America* is composed of as great Patriots as any on Earth, doubt not but in due Time they will grant us our reasonable Request: Indeed it is for the interest of the United States to do it, as soon as the Circumstances of the Continent will admit; therefore we need not hurry them. It is an ancient Maxim, that *Representation and Taxation should go together*; and until this State is represented in Congress, no Continental Tax can justly be laid on it.

Is it not strange that any of the Inhabitants of this State, who have perused the Constitution and Laws, and duly considered the Advantages that would accrue to each Individual by being and remaining a distinct State, would be willing to give up these Privileges, and connect with any other State:—Surely the Constitution is upon the most liberal foundation—the Laws are well calculated to preserve inviolate the Liberties and Property of each Individual—the Act of Oblivion settles past Controversies, and puts those who made the Laws and those who opposed them, on one Footing, each having a Right to the Protection of the same; and as one common Interest runs thro' the Whole, hope that past Animosities will be forgotten, and all join Hand in Hand to support their common Rights and Interests.

The Circumstances of this State, in some Respects, is different from every other State on the Continent:—it is not in Debt—I have as much money in my office as is due from the State except what I have taken in upon Loan, to balance which, I have in my Office, about as much Money in Continental Loan Office Notes, so that on a Balance, the State is little or none in Debt, excepting what may be supposed to be the State's Proportion of the Continental Debt. (If any Individual in the State is not satisfied with this Stating of Accounts, I invite him to wait on me at my office, and I will exhibit the public Books of Debt and Credit for the Proof of the Assertion.)—But there are several valuable Tracts of Land, the Property of this State:—how far those Lands will go towards paying the Continental Debt, do not at this time take upon me to determine.

Every one of the United States have emitted large Sums of Money, some Part of which has been called in by giving States Loan Office Notes for the same, which are yet due. By this and other Proceedures of the several States, they are in Debt. The Inhabitants of the respective States, have received the Benefits of such Debts, when they con-

tracted them; but the Inhabitants of this State have received no Benefits from such Debt: And why they should any of them wish to connect with any such State, when they know they will be brought in to pay a Part of all such arrearages, is a thing almost unaccountable.

As there are four public Rights of Land in each Town in this State —one for the first settled Minister, one for Schools, one for the first settled Church Minister, and one for propagating the Gospel in foreign parts—I propose for Consideration, whether it would not be advisable for the Assembly to direct each Town to leave out the two latter, and the Avails to be by each Town appropriated for the Support of the Gospel in the Same.

Lastly, I proceed to state two Matters that are Facts, which I believe will not be disputed by any, from which I shall ask two Questions.

Fact First. A certain Fraternity of Gentlemen, contiguous to Connecticut River, after the Inhabitants of the Grants west of said River, had declared themselves to be a free State, by the name of *Vermont*, did assert that said State had a just Right to be a State; and that the grants East of Connecticut River were unconnected with any State, and had a just Right to join said State.

Question First. Did the Dissolution of the Union (so called) lessen the Right the State of *Vermont* had to be a State before the said union took place?—If it did, in what Manner?

Fact Second. It was also asserted by said Gentlemen that *New Hampshire* had no Right, Title or Color of Jurisdiction to the West of the *Mason* Line.—That the Grants West of the *Mason* Line, and East of Connecticut River, had a good Right to form themselves into a State, and would do it, if the State of *Vermont* would not take them into Union.—The foregoing assertions being granted:

Question Second. What Propriety is there now in requesting *New Hampshire* to extend their Claim and Jurisdiction over the Territory of *Vermont?*

I am, Friends and Countrymen,
your obedient and ever faithful Servant,
IRA ALLEN.

Norwich, July 13, 1779.

I beg leave to subjoin the following Copy of a Letter from the Hon. Committee of Congress, to the Committee of the Yorkers in the lower part of Cumberland County.

Bennington, June 23d, 1779.

"GENTLEMEN—The Subscribers are here at present, as members of a Committee of Congress sent for the express Purpose of endeavoring to bring about an amicable Settlement of the Differences between the State of New York and the Inhabitants of the New Hampshire Grants who have formed themselves into a State called by them, the State of Vermont.

"We have understood that you and others of the State of New York, have declined taking your turn of Militia Duty, for the Defence of the Frontiers, because the Requisition was made under the Authority of

the State of Vermont; and that you have met with some Trouble on this Account.

"We have therefore sent this to inform you, that we hope there will be, by Interposition of Congress, a happy Accommodation of all Differences in a short Time. In the mean while we have obtained a Promise of Gov. Chittenden, that you shall not be molested till matters are finally settled; and we have engaged to write to you, voluntarily and freely to raise your full Proportion of Men, whenever your Neighbors are called, and you are informed of this, either by Continental Officers, or the new State, till such time as you have special Directions from the Governor of New York, which we hope to obtain from you, on our return Home. This we are confident you will readily comply with, as otherwise People will be tempted to impute your Conduct to Disaffection to the Cause of the United States.

"We hope that you will understand that the Protection and Forbearance which is promised us on your Behalf is to be considered as the only Condition of your cordially complying with our Request, and in every Respect behaving quietly and orderly, while the Measures for Pacification are on Foot."

We are, &c.

JOHN WITHERSPOON*
SAM. J. ATLEE.*

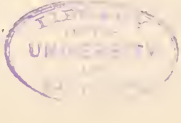
Resolves of Congress respecting the New Hampshire Grants.

[P. 149.] In Congress September 24, 1779.

WHEREAS on the first day of June last, Congress by a certain resolution reciting, "That whereas divers applications had been made to Congress on the part of the State of New York and of the State of New Hampshire relative to differences and animosities among Inhabitants of a certain district known by the name of "the New Hampshire Grants," praying their interference for quieting thereof, did Resolve, That a Committee be appointed to repair to the New Hampshire Grants, and inquire into the reasons why they refused to continue Citizens of the respective States, which heretofore exercised jurisdiction over the said district:—for that as Congress are in duty bound on the one hand to preserve inviolate the rights of the several States; so on the other, they will always be careful to provide that the justice due to the States does not interfere with the justice which may be

*1. Rev. JOHN WITHERSPOON was from New Jersey. President of Princeton College, a delegate to the Continental Congress from 1776 to 1783, one of the signers of the Declaration of Independence, and eminently distinguished as a minister, a scholar, and a statesman.

2. SAM. J. ATLEE was a delegate from Pennsylvania from 1778 to 1782.—ED.



due to Individuals; That the said Committee confer with the said inhabitants and that they take every prudent measure to promote an amicable settlement of all differences, and prevent divisions and animosities so prejudicial to the United States;" and did further "Resolve That the further consideration of this subject be postponed until the said Committee shall have made report:"

[P. 150.] And whereas it so happened that a majority of the Committee appointed in pursuance of the aforementioned resolution did not meet in the said district, and therefore have never executed the business committed to them, or made a regular report thereupon to Congress:—

Ordered, That the said Committee be discharged: And whereas the animosities aforesaid have lately proceeded so far and risen so high as to endanger the internal peace of the United States, which renders it indispensably necessary for Congress to interpose for the restoration of quiet and good order: And, Whereas one of the great objects of the union of the United States of America is the mutual protection and security of their respective rights; And, Whereas it is of the last importance, to the said Union, that all causes of jealousy and discontent between the said States should be removed, and therefore that their several boundaries and jurisdictions be ascertained and settled; and, Whereas, disputes at present subsist between the States of New Hampshire, Massachusetts Bay and New York on the one part, and the people of a district of country, called New Hampshire Grants on the other, which people deny the jurisdiction of each of the said States over the said districts; [P. 151.] and each of the said States claim the said district against each other, as well as against the said people as appertaining in the whole or in part to them respectively:

Resolved, unanimously, That it be and hereby is most earnestly recommended to the States of New Hampshire, Massachusetts Bay and New York, forthwith to pass Laws expressly authorizing Congress to hear and determine all differences between them relative to their respective boundaries, in the mode prescribed by the articles of Confederation, so that Congress may proceed thereon by the first day of February next at farthest; and further, that the said States of New Hampshire, Massachusetts Bay & New York, do by express laws for the purpose refer to the decision of

Congress all differences or disputes relative to jurisdiction, which they may respectively have with the people of the district aforesaid, so that Congress may proceed thereon on the said first day of February next;(and also to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several States aforesaid with one another or with either of the said States respecting title to lands lying in the said district, to be heard and determined in the mode prescribed for such cases by [p. 152.] the articles of confederation aforesaid); and further to provide that no advantage be taken of the non-performance of the conditions of any of the grants of the said lands, but that further reasonable time be allowed for fulfilling such conditions.

Resolved, Unanimously, That Congress will and hereby do pledge their faith to carry into execution & support their decisions and determinations in the premises in favor of which soever of the parties the same may be, to the end that permanent concord and harmony may be established between them; and all cause of uneasiness removed.

Resolved, Unanimously, That Congress will, on the said first day of February next proceed without delay to hear & examine into the disputes and differences relative to jurisdiction aforesaid between the said three States respectively, or such of them as shall pass the Laws before mentioned on the one part, and the people of the district aforesaid, who claim to be a seperate jurisdiction, on the other; and after a full and fair hearing will decide and determine the same according to equity; and that neither of the said States shall vote on any question relative to the decision thereof; And Congress do hereby pledge their faith to execute and [p. 153.] support their decisions and determinations in the premises.

And whereas it is essential to the interest of the whole Confederacy that all intestine dissentions be carefully avoided and domestic peace and good order maintained:—

Resolved, Unanimously, That it is the duty of the people of the district aforesaid, who deny the jurisdiction of all the aforenamed States, to abstain in the mean time from exercising any power over any of the Inhabitants of the said district, who profess themselves to be citizens of, or to owe allegiance to any or either of the said States; but that none

of the Towns either or in the East or West side of Connecticut river, be considered as included within the said district, but such as have heretofore actually joined in denying the Jurisdiction of either of the said States, and have assumed a seperate Jurisdiction, which they call the State of VERMONT. And further, that in the opinion of Congress, the said three States aforementioned ought in the mean time to suspend executing their Laws over any of the Inhabitants of the said district, except such of them as shall profess allegiance to and confess the jurisdiction of the same respectively; and further that Congress will consider any violen-
[P. 154.] ces committed against the tenor, true intent and meaning of this resolution as a breach of the peace of the Confederacy, which they are determined to keep and maintain; and to the end that all such violences and breaches of the public peace may be the better avoided in the said district; it is hereby recommended to all the Inhabitants thereof to cultivate harmony and concord among themselves, to forbear vexing each other at law or otherwise, and to give as little occasion as possible to the interposition of Magistrates.

Resolved, Unanimously, That in the opinion of Congress no unappropriated lands or estates which are or may be adjudged forfeited or confiscated lying in the said district, ought, until the final decision of Congress in the premises to be granted or sold.

Ordered, That copies of the aforegoing resolutions be sent by express to the States of New York, New Hampshire and Massachusetts Bay, and to the people of the district aforesaid; and that they be respectively desired to lose no time in appointing their agent or agents, and otherwise preparing
[P. 155.] for the hearings aforesaid.

The aforesaid Resolutions being read over and a question taken to agree to the whole:—

Resolved, Unanimously, in the affirmative.

Extract from the Minutes,
CHA^{S} THOMSON, Sec^{Y}.

Further Resolves of Congress in relation to the foregoing.

[P. 157.] In Congress, Oct^{R} 2, 1779.

Whereas in the first Resolution of Congress of the 24

Sept. last relative to a district of Country called "New Hampshire Grants" is the following clause, viz. "And also to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several States aforesaid with one another, or with either of the said States respecting title to lands lying in the said district, to be heard and determined in the mode prescribed for such cases by the articles of Confederation aforesaid;" and whereas no provision is made in the said articles of Confederation for hearing & determining disputes between any State & the Grantees of any other State,

Resolved, Unanimously that the clause above recited be repealed.

Resolved, Unanimously, That it be and hereby is recommended to the States of New Hampshire Massachusetts bay & New York, to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several States aforesaid with one another or with either of the said States respecting title to lands lying in the said district, to be heard & determined by Commissioners or Judges to be appointed in the mode prescribed by the ninth article of the Confederation aforesaid.

Ordered, That a copy of the preceding resolves be transmitted to the said States of New Hampshire, Massachusetts bay and New York, and also to the inhabitants of the New Hampshire Grants.

Extract from the Minutes,
CHA^{s} THOMSON, Sec^{y}.

Letter from Woodbury Langdon, delegate in Congress, to Meshech Weare, respecting Vermont.

[P. 159.] Philadelphia, Octo^{r} y^{e} 12th, 1779.

S^{R} —

The reasons why I have not done myself the honour of writing to you before, are these: Soon after my arrival here I was taken very ill of a Fever, which confined me to my Bed a considerable time, and since my recovery General Whipple has gone home, who from his long residence and experience at Congress will be able to give you a more perfect account of the transactions here than can be expected from me.

Since my recovery I have attended Congress with the closest application, and shall endeavour to exert myself, if my health continues, to the utmost of my ability while here.

You will have received sundry Resolutions relative to Vermont from the President of Congress, a copy of the last of which I herein inclose; the others of the 24th September were pass'd while I was confined, and I cannot say are altogether to my mind. This Business in my opinion is of the greatest consequence to New Hampshire, and requires her [P. 160.] most serious attention for many very weighty Reasons:—among which, give me leave to mention the following: That as the thirteen United States have declared themselves independent—which they will beyond all doubt support—and at the same time have reserved to each State its particular seperate independence and sovereignty, and as New Hampshire without Vermont will be very small and weak compared with her neighbouring States, and it cannot be expected in the nature of things, but that some day or other differences will arise between that State and her neighbours, in which case she will be under great disadvantages on account of her weakness; it therefore is her indispensable duty in the first seting out, to endeavour by all proper means to be as much on a footing with her neighbours as possible: of the truth of this I am more & more convinced every day; it will also give her greater weight in the grand Councils of America, and be an amazing saving of Tax—both which are objects well worthy consideration. The same reasons will apply to Vermont, against her being a seperate State, and in favor of her being connected with New Hampshire:—indeed there does not appear to me the [P. 161.] least probability that Vermont will be allowed to be a seperate State; and every step that has been or may be taken by New Hampshire to countenance it weakens her claim far beyond what many gentlemen of New Hampshire have any conception of, and will be so considered in deciding the dispute; therefore I wish most heartily that New Hampshire and the Inhabitants of what is called the Grants or Vermont would, for the interest of both, lay aside every thought of making the latter a seperate State, and unite in their endeavours to be one State, in which case, in my opinion, they will succeed; but if Vermont *persists* in endeavouring to be a seperate State and New Hampshire appears

to acquiesce, they will very likely both be disappointed, and in all probability Vermont will be adjudged to New York. I confess I am anxiously concerned for the settlement of this matter; and when I declare that I have no private interest in the tract of country called Vermont, and never expect to have, it will, I flatter myself, be admitted that I can have no view seperate from the true Interest of New Hampshire, when I endeavour to prevent the Grants from being loped off from New Hampshire, of which without vigorous exertions there appears to be danger.

[P. 162.] The Delegates of New York, Massachusetts Bay and New Hampshire have most of them thought it best to recommend to their several States a particular form of an act to answer the end of the Resolution referred to above, in order that there might be a similarity in the acts; the Delegates from the two former States have accordingly sent a form of an Act to their respective States,—a copy of which I have thought it my duty to inclose herein; and the General Court will adopt it or not as they may think proper. If it should be adopted, it may be very necessary to add a clause making it of force provided New York & Massachusetts Bay pass similar Acts;—otherwise not,—as it is at present very uncertain what will be done by those States; and I hope I shall be pardoned when I say that I hope that care will be taken in forming every part of the Act, that no disadvantage or embarrassment may accrue to the State hereafter in consequence of it.

Yesterday was forwarded to you by express, sundry Resolutions of Congress respecting a supply of the Treasury, the Letter accompanying them together with the inclosed of the 13th Sepr past sufficiently point out the necessity of the [P. 163.] measure, without my ading any thing on the subject. It gives me much pain to find that there appears to be a necessity for calling on the States for such large supplies, and confess that I am not without my fears respecting the success of it; but you must see what will be the consequence if it does not succeed. Your Delegates have been able to procure the Proportion of Tax for New Hampshire to be much lower that what it has hitherto been; but it must be remembered that when hereafter the proportion of the Taxes of each State shall be finally fixed agreeable to some former Resolutions of Congress, if it shall then appear

that New Hampshire or any other State has been deficient, it will be then liable to make good such deficiency, and on the other hand, if any State has been overrated it will have credit for the same.

The peculiar situation of my Family and other concerns renders it necessary for me to leave this place early in December, in order to return home; which I hope will not be taken amiss by the Court, as they will remember it is agreeable to my engagement with them: it will always be the [p. 164.] height of my ambition to render the State every possible service in my power—doubtless care will be taken that such Persons are chosen to represent the State in Congress as are fully acquainted with the dispute relative to Vermont, and to instruct them fully in that Business.

I am with all due Respect
your most obedient H'ble Serv't
WOODBURY LANGDON.

The Hon'ble Meshach Wear, Esq'r.

NOTE BY THE EDITOR.

[The paper which follows is without date. The editor has not been able to ascertain either the origin or definite object of the several propositions or articles contained therein, but is of the opinion that they were of the nature of instructions to the agent of New Hampshire—perhaps E. Thompson, Esq.—in his meeting on the grants with the commissioners appointed by congress: or, at least, they were *conditions* on which the towns east and west of Connecticut river would be received on returning to the jurisdiction of New Hampshire. The paper is indorsed as follows, viz.:]

"*Sundry articles to be complied with by the Legislature of New Hampshire.*

[p. 165.] 1st. That the Legislature of New Hampshire spiritedly support their claim to the Grants west of the river Connecticut, and exercise jurisdiction over them when they shall apply therefor.

2dly That the Inhabitants of the Territory east of Connecticut river, who have heretofore been in union with Vermont, have secured to them the priviledges that the rest of the subjects of New Hampshire enjoy.

3dly That the Legislature pass an act indemnifying all persons in the union aforesaid who have acted under the

authority of Vermont, so far as they have conducted consistent with the common Law or the Statute Laws of said Vermont.

4ly That the Legislature of New Hampshire ratify and confirm all proceedings of any Courts which have been constituted under the authority of Vermont, that shall be found not repugnant to Common Law or the Statute Laws under which they acted.

5ly That all actions or processes commenced in the Ter- [p. 166.] ritory aforesaid under the authority of Vermont aforesaid be transferred to Courts under the jurisdiction of New Hampshire without cost to the parties, in the same situation they were in before the dissolution of the union aforesaid.

6ly That equitable allowances be made by New Hampshire for the expenditures of men and money rais'd on said Grants east of the River aforesaid for the defence of the Northern frontiers as well as the general cause of the United States.

7ly That the Towns on said Grants east of the river aforesaid referred to in a resolution of Congress of the 20th of Septr 1779, be excluded from Governmental Taxes heretofore assessed.

*9th That the act of the Legislature of New Hampshire for transporting persons from one county to another be repealed.

10ly. That all Towns and districts on the Grants east of said River be called upon to elect and send representatives [p. 167.] to the General Court of New Hampshire, and also Members to attend the Convention to form a Plan of Government, and that the appointment of all officers in the Counties of Cheshire and Grafton be suspended until said Towns are represented in the Assembly.

11ly That all deeds and conveyances of Land authenticated according to the Laws of Vermont be held valid untill reasonable opportunity be had for their being recorded in the County Registers agreeable to the laws of New Hampshire.

12ly That the proceedures of the several Towns in said district in their Town meetings during the time while they

* By error or otherwise 8th is not herein contained.—Ed.

held themselves not subject to the jurisdiction of New Hampshire, be held valid so far as they have proceeded agreeable to the Laws of Vermont or the usages of New Hampshire, or as the Exigencies of that frontier have rendered necessary for the security of the people against the invasions of the common enemy; and that all the collectors of Taxes in the several Towns be impowered to compleat [p. 168.] the Collection of monies due [on] Bills now in their hands, unless where a Land Tax shall have been assessed for defraying other charges than those of the war.

13ly That any Towns that have been over Rated in assessments for Taxes by the Assembly shall be equitably relieved.

14ly That those districts which by the Laws or usages of Vermont have been entitled to town privileges shall be continued in the enjoyment of them.

15ly That a military force be stationed on the Northern frontiers sufficient to secure the inhabitants against the invasions of the Enemy.

Letter to the Committee appointed by Congress to meet at Vermont, &c.

[p. 169.] Exeter, July 3d, 1779.

Gentlemen—

A Resolve of Congress of the first of June 1779, by which you were appointed a Committee to "repair to the Inhabitants of a certain district known by the name of the New Hampshire Grants, and enquire into the reasons why they refuse to continue citizens of the respective States which heretofore exercised Jurisdiction over the said district," hath been transmitted to the General Court of this State; in consequence of which the sd Court appointed Ebenezer Thompson, Esqr to wait on you at the said Grants, in behalf of the State, to answer any matters that may be offered by Persons heretofore under the Jurisdiction of New Hampshire as reasons for their refusing to continue Citizens thereof; and any other things that may come under your Enquiry, in which this State is concerned.

The Honble the Committee appointed
by Congress, to meet at Vermont.

Letter from Samuel Huntington, President of Congress, to Meshech Weare, dated

[P. 171.] Philadelphia, June 6, 1780.

SIR—

You will receive herewith enclosed an Act of Congress of the 2d Instant, containing sundry resolutions respecting the District of Country commonly known by the name of the New Hampshire Grants.

I have the honor to be, with very great respect,
Sir, you obedt hble Servant
SAML HUNTINGTON, President.

P. S. June 10. You have also inclosed an Act of Congress* of the 9th Instant assigning the Second Tuesday of September next, for hearing &c. the Disputes respecting the New Hampshire Grants in the manner therein expressed.

I am, ut supra,
S. HUNTINGTON, President.

The Honble President of the Council
of New Hampshire.

Resolutions of Congress, in relation to affairs in the New Hampshire Grants.

[P. 173.] In Congress, June 2d, 1780.

WHEREAS it is represented to Congress, and by authentic evidence laid before them it appears, that the people inhabiting the district of country commonly known by the name of the New Hampshire Grants, and claiming to be an independent State, have, notwithstanding the resolutions of Congress of the 24th Septemr and 2d Oct. proceeded as a seperate Government, to make grants of lands and sales of estates by them declared forfeited and confiscated, and have also in divers instances exercised civil and military authority over the persons and effects of sundry inhabitants within the said district, who profess themselves to be citizens of and to owe allegiance to the State of New York:

Resolved, That the acts and proceedings of the people inhabiting the said district and claiming to be an independent State, as aforesaid, in contravening the good intentions

* This act is not found on the files of New Hampshire.—ED.

of the said resolutions of the 24th September and 2d October last, are highly unwarrantable, and subversive of the peace and welfare of the United States:

That the people inhabiting the said district and claiming to be an independent State as aforesaid be and they hereby are strictly required to forbear and abstain from all acts of authority civil or military over the inhabitants of any town or district, who hold themselves to be subjects of and to owe allegiance to any of the States claiming the jurisdiction of the said territory in whole or in part, until the decisions and determinations in the resolutions aforementioned shall be made.

And whereas, the States of New Hampshire and New York have complied with the said Resolutions of the 24th Sept^r and 2d Oct. last, and by their agents and Delegates in Congress declared themselves ready to proceed in supporting their respective rights to the jurisdiction of the district [p. 174.] aforesaid in whole or in part, according to their several claims, and in the mode prescribed in the said Resolutions; and whereas Congress by their Order of the 21st of March last did postpone the consideration of the subject of the said resolutions, nine States, exclusive of those who were parties to the question not being represented, and by their order of the 17th of May, have directed that letters be written to the States not represented, requesting them immediately to send forward a representation—

Resolved, That Congress will as soon as nine States, exclusive of those who are parties to the controversy, shall be represented, proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction between the three States of New Hampshire, Massachusetts-bay and New York respectively, or such of them as shall have passed such Laws as are mentioned in the said resolutions of the 24th Sept^r & 2d Oct^r last, on the one part, and the people of the district aforesaid who claim to be a seperate jurisdiction, on the other, in the mode prescribed in & by the said resolutions.

Extract from the minutes
CHA^s THOMSON, Sec^y.

Letter of Joseph Marsh, Peter Olcott, and Beza. Woodward to the President of Congress.

[Copied from Gov. & Coun. Rec. Ver., App. G, Vol. II, pp. 249. 250.]

Dresden, on the New Hampshire Grants }
July 20, A. D., 1780. }

SIR—May it please your Excellency:

We are sensible Congress have reason to expect their resolves of the first of June last, would have such influence that the people on these Grants might wait patiently their decisions respecting them; but such is the disposition of those who have assumed an independent jurisdiction that not only their measures but professions are in direct opposition to those resolves. They have ever since their sessions in March been assiduous to obtain surveys of the ungranted lands and have now sundry parties of men out for that purpose, who instead of resting matters are hastened on account of the late resolves of Congress with a view to obtain surveys of the whole before the sessions of their Assembly in October next, and we understand are determined at that time to make grants of the whole to such persons as they shall apprehend will be most useful to assist in an establishment of a new State, and thereby at one stroke prevent an occasion for any further prohibition of Congress, purchase advocates in adjacent States and procure supplies of money to accomplish their purposes. They are also taking like speedy measures in confiscating estates of persons whom they are pleased to call *tories;* in respect to which it ought to be noted that their virulence is most poignant against those friends to order who oppose their rash procedures.

Vast numbers are continually making application for lands, and become advocates for their establishment in order to obtain them. Agents are at the same time employed to impress the minds of the people with an apprehension that Congress are conscious they have no right to decide the question in respect to their being an independent State, and mean to postpone it from time to time, that they may establish it themselves, and construe every delay in that light. And experience shows that such suggestions however ill-grounded have too much influence. In short no measures are omitted which may tend to weaken the authority of Congress in the minds of the people and destroy the

salutary influence of their late resolves, which they say were passed only to quiet New York till they can establish their State.

New Hampshire continue to call on those towns east of the river (who have connected themselves with those west) for men, money and provisions, but as there is no authority to which they can consistently own allegiance, till Congress decide the dispute, and as they know not any right which New Hampshire (rather than Massachusetts or New York) have to call on them consistent with the resolves of Congress on the subject in Sep^r last, they do not comply with their orders in respect to paying taxes, and think it unreasonable that a *proposition?* [proportion] be allotted to them, till they are put in a condition to perform it, which can be done only by the direction of Congress; they are [as] Zealously affected in the Contest with Great Britain as any part of America, have ever had their quota of men as full as any part, and are now exerting themselves to raise their quota of recruits, from a sense of the importance of the cause; but cannot act with that vigor as though the dispute respecting the grants was decided.

The people in these parts mean to abide the decision of Congress and abhor the sentiments of those who deny their right.—They will cheerfully acquiesce in anything Congress may judge proper, but ardently wish a union of the two sides of the river. New Hampshire will be their choice, if a new State be not admitted, which they have generally done expecting.

We entreat a speedy decision in respect to a new State, and in case one is not admitted, that commissioners may come into the territory to decide the claim of the other States, as we apprehend the future happiness of the inhabitants who are most nearly interested ought to be consulted, inasmuch as they will be principally affected by that decision.

We add nothing in respect to the merits of the case, as we have already laid our own submission and representation of the matter before Congress last winter, which we trust will be considered in its place.

A decision to be published on the Grants before a new election of officers in Vermont (in the beginning of Sep^r) is greatly desired, and in our view absolutely necessary before

a meeting of their Assembly (the beginning of Oct'r) in order to prevent their involving hundreds of people in inextricable difficulties, by purchasing their grants of land.

More than thirty thousand people on these Grants must be involved in difficulties while the matter is delayed, and the eyes of the greater part are to Congress for relief; and unless it can be speedily obtained we are undone.

We write in behalf of the Inhabitants in the northern part on both sides of Connecticut river; and have the honor to be with the highest sentiments of duty and esteem, Sir,

Your Excellency's most obedient and most humble Servants.

JOSEPH MARSH
PETER OLCOTT } Committee.
BEZA. WOODWARD

His Excellency the President of Congress.

Letter from Beza. Woodward to Samuel Livermore.

[From MS. Letters of Correspondence in library of N. H. Hist. Soc.]

Dresden, 25th July, 1780.

SIR—

By a letter from Doctor Page of Charleston, I am informed that Congress, by a resolve of the ninth of June have appointed the first Tuesday of Sept. next to hear and finally determine the dispute respecting the New Hamp^{r} Grants—that the people in Cheshire County are roused by an apprehension that the Assembly of New Hampshire have no Agent appointed to attend nor delegate instructed to support their claim. We have had accounts here that you are re-appointed; but fear it is a mistake, as we are informed that Gen. Bellows sets off this day for Exeter with a petition for the Court to convene and prepare to support their claim. I hope you will not fail to go, as I well know your ability and disposition to take every proper measure to have set aside the line fixed by arbitrary power at Connecticut River in 1764. The Committee in this part wrote to Congress last week requesting in the most pressing manner, a speedy determination. They are to meet again at this place next week on Thursday on account of the above mentioned resolve, to determine what further may be expedient

for us to act in the affair; at which time I would wish for your advice. The people in general in this part have done expecting a new State, and wish to have every proper measure taken to support the claim of New Hampshire to the whole of the Grants. They will peaceably and cheerfully acquiesce in any decision except a re-annexation to New York and establishment of a line at this river.

The settlement of the dispute is an object in which the people feel themselves deeply interested and are anxious for a determination.

I have the honor to be, Sir, with much esteem and respect, your most obedient & most

humble servant

BEZA. WOODWARD.

Hon^b Sam^l Livermore.

Letter from Thomas Chittenden to President Samuel Huntington respecting sundry acts of Congress relating to Vermont, dated

[P. 179.] Bennington, 25^th July, 1780.

SIR—

Your Excellency's Letter of the 10^th ult. inclosing several Acts of Congress of the 2^d and 9^th of the same month, I accidentally receiv'd the 6^th instant, have laid them before my Council and taken their advice thereon; and now beg your Excellency's Indulgence, while I treat on a subject of such moment in its nature, and which so nearly concerns the citizens of this State.

However Congress may view those Resolutions, they are considered by the people of this State, as being in their nature subversive of the natural rights which they have to Liberty & Independence, as well as incompatible with the Principles on which Congress ground their own Right to Independence, and have a natural and direct tendency to endanger the liberties of America, which have hitherto been defended at great Expense both of Blood and Treasure.

Vermont's Right to Independence has been sufficiently argued, and the good consequences resulting to the United States from its first assuming Government clearly vindicated in sundry Pamphlets, which have been officially laid be-
[P. 180.] fore Congress. I beg leave to refer your Excel-

lency to "Vermont's appeal" &c.* particularly from the 32nd to the 42nd page, in which, among OTHER things is contained a particular answer to the Resolution of the 24th of September, referred to in the Resolve of the 2d of June last, and a Denial of the authority of Congress over this State, so far as relates to their existence as a free and independent Government. I find, notwithstanding, by a Resolution of the 9th ult. that Congress have assigned the 2d Tuesday of September next to judge absolutely of the Independence of Vermont as a seperate jurisdiction.

Can Congress suppose that this Government are so void of Reason as not to discern, that the Resolves of the 2nd and 9th of June aforesaid (so far as the authority of Congress may be supposed to extend to this State) are directly levelled against their Independency? Vermont as beforementioned, being a free and independent State, have denied the authority of Congress to judge of their Jurisdiction.

Over the head of all this Congress have, it appears by their Resolutions of the 9th ult. determined that they have power to judge the cause, which has already determined the [P. 181.] essence of the Dispute; for if Vermont does not belong to some one of the United States, Congress could have no such power without their consent; so that consequently, determining that they have such a power, has determined that Vermont has no right to Independency; for it is utterly incompatible with the Rights and Prerogatives of an Independent state to be under the controul, or arbitrament of any other Power. Vermont have, therefore, no other alternative:—they must either submit to the unwarrantable decree of Congress, or continue their Appeal to Heaven and to arms. There may in future be a Tryal at Congress, which of the United States shall possess this Territory, or how it shall be divided among them, (but this does not concern Vermont) and it is altogther probable that there have been proposals for dividing it between the States of New Hampshire and New York, the same as the King of Prussia, the Empress of Russia and the Empress of Hano [P. 182.] ver, divided Poland between those Powers; with this difference only, that the former are not in possession of Vermont.

The cloud that has hovered over Vermont since the

* See an abstract of said appeal in Slade's State Pap., p. 116.—ED.

ungenerous claims of New Hampshire and Massachusetts Bay, has been seen, and its motions carefully observed by this Government, who expected that Congress would have averted the storm; but disappointed in this and unjustly treated as the people (over whom I preside on the most serious and candid deliberation) conceive themselves to be in this affair; yet blessed by Heaven with constancy of mind, and some friends as an honest, valiant and brave people, are necessitated solemnly to declare to your Excellency, to Congress, and to the world, that as Life, Liberty, and the Rights of this People entrusted them by God are inseparable, they do not expect to be justified in the eye of Heaven, or that Posterity would call them blessed, if they should tamely surrender and Part.

Without doubt, Congress have (previous to this) been acquainted that this State hath maintained several Posts on its [p. 183.] frontiers, at its own expense, which is well known to be the only security to this Quarter of the frontier Inhabitants of the Massachusetts Bay and New Hampshire; and it is highly probable that Albany, and such parts of the State of New York as lies to the Northward of that, would before this time have been ravaged by the common enemy, had it not been for the indefatigable exertions of this State, and the Fears which the Enemy have been, and are still possessed of, that their Retreat would be intercepted by the Troops from those Posts, and the militia of this State. Thus by guarding the Frontiers has this State secured the friendship of a part of the private Gentlemen and yeomanry, even of those States, whose representatives it seems, are seeking its Destruction; and having the general approbation of disinterested States, this People are undoubtedly in a condition to maintain Government; but should they be deceived in such connections, yet as they are not included in the thirteen United States, but conceive themselves to be a seperate Body, they would have still in their power other [p. 184.] advantages, for they are, if necessitated to it, at liberty to offer or accept Terms of cessation of Hostilities with Great Britain, without the approbation of any other man or body of men; for on proviso that neither Congress, nor the Legislatures of those States which they represent, will support Vermont in her Independence, but devote her to the usurped Government of any other Power, she has not the most distant motives to continue Hostilities with Great

Britain, and maintain an important Frontier for the Benefit of the United States, & for no other Reward than the ungrateful one, of being enslaved by them. True, Vermont has taken an active part in the war subsisting between the United States and Great Britain under an expectation of securing her Liberty, considering the claims of Great Britain to make Laws "to bind the Colonies in all cases whatsoever without their consent," to be an abridgment of the natural Rights of Mankind, and it appears that the said Resolves of the 2^{d} and 9th of June, are equally arbitrary and that they furnish equal motives to the citizens of Vermont to resist the one as the other. For if the United States have departed from the virtuous principles upon which they first commenced the war with Great Britain, and have assumed to themselves the Power of usurping the Rights of Vermont, it is time, high time for her seriously to consider what she is fighting for, and for what purpose she has been for more than five years last past spilling the Blood of her bravest sons. This government have dealt with severity towards the Tories, confiscated some of their estates, imprisoned some, banished some, and hanged some &c. and kept the remainder in as good subjection as any State belonging to the Union; and they have likewise granted unto worthy Whigs in the neighbouring States some part of their unappropriated Lands, the inconsiderable avails of which have been faithfully appropriated for the Defence of the Northern Frontiers, which eventually terminates in the support of the interest and securing the Independence and sovereignty of the United States: And after having faithfully executed all this, have the mortification to meet with the resentment of Congress circulated in Hand-Bills and in [p. 185.] the New York public papers representing their conduct "in contravening the good intentions of Congress, as being highly unwarrantable and subversive of the Peace and Welfare of the United States." Those Resolves serve only to raise the aspiring Hopes and Expectations, and to revive a languishing flame of a few Tories and schismatics in this State who have never been instrumental in promoting the common cause of America. With regard to the State of Massachusetts Bay, they have not as a Legislative Body, laid any claim to the Territory of Vermont; nor have they enacted Laws judiciously authorizing Congress to take cognizance thereof, agreeable to the aforementioned Resolves;

—a majority of their Legislative Body considering such Pretensions to be an Infringement on the Rights of Vermont, and therefore the State of Massachusetts Bay, cannot be considered as a party in this Controversy. And as to the State of New Hampshire, although they have judicially authorized Congress to make a final adjudication of their late started and very extraordinary claim to the Territory of [p. 186.] Vermont, yet by recurring back to original proceedings between the two States, it appears that the General Court of New Hampshire had, previous to laying their said claim, settled their boundary line with the State of Vermont, and established Connecticut River for the Boundary between the respective Governments; and so far as the approbation of the Government of New Hampshire can go, have previously conceded to the Independence of Vermont: The particulars of which are too prolix to be given in this Letter, but are exhibited at large in a Pamphlet entitled "a concise Refutation of the Claims of New Hampshire and Massachusetts Bay to the Territory of Vermont," &c. which is herewith transmitted* as a Bar against the right of New Hampshire to a Tryal for any part of Vermont. The Government of New Hampshire, ever since the Royal Adjudication of the Boundary Line between them and the government of New York in 1764, have cast the Inhabitants of the contested Territory out of their protection, and abandoned them to the Tyranny of New York; and have very lately, [p. 187.] over the head of the settlement aforesaid, laid claim to the said territory, and enacted Laws as aforesaid, to enable Congress to judicially determine the merit of said claim.

How glaringly illegal, absurd and Inconsistent must their conduct as a Legislative Body appear in this respect. Such irregularities among Individuals, arise from the ill-government of the Human Passions; but when it takes place in public Bodies, it is unpardonable, as its influence is more extensive and injurious to Society. Hence it appears that (legally speaking) neither of the States of New Hampshire or Massachusetts Bay, can be with propriety considered as parties in the controversy, and consequently, New York alone is left a competitor with Vermont. Even admitting that Congress are possessed of sufficient authority to deter-

* See Gov. and Coun. Ver., vol. II, pp. 223–234—Ed.

mine those Disputes, agreeable to their Resolutions; which by this Government is by no means admissible. Notwith-
[P. 188.] standing the usurpation and Injustice of Neighbouring Governments towards Vermont, and the late Resolutions of Congress; this Government, from a principle of virtue and a close attachment to the cause of Liberty, as well as a thorough examination of their own Policy, are induced, once more to offer UNION with the United States of America, of which Congress are the legal Representative Body—Should this be denied, this State will propose the same to the Legislatures of the United States seperately, and take such other measures as self-preservation may justify.

In behalf of the Council, I am,
Sir, your Excellency's most
obedient Humbl Servant,
THOS CHITTENDEN.

To his Excellency,
Samuel Huntington, Esq.
President of Congress.

(a true copy) Thomas Tolman, P. Sec'ry.

Beza. Woodward's petition in behalf of people above Charlestown, N. H., Grants [Gov. and Coun. Ver., Vol. II, pp. 251–253].

[By order of a convention holden at Dresden, Aug. 30, 1780.]

To his Excellency the President and the Honorable members of the Congress of the United States of North America—Humbly sheweth.

The petition of the principle inhabitants on Connecticut river on both sides and northward of Charleston, met in Convention at Dresden on the New Hampshire Grants, August 30th 1780—

That the union of Canada with the United States is in our opinion of the greatest importance to them for the following reasons, viz: there is but one seaport in that country which we shall ever have need to defend, yet good water carriage for near two thousand miles, stretching itself in a circular manner round the thirteen United States, through

an excellent country of land, great part of which is inhabited by savages, whose furr and skin trade produces to our enemies an annual profit which is immense.

The annual produce of wheat in that country for exportation is very great, by which the British armies in America receive essential advantage. The capture of that country will be a leading step towards securing to the united States the profit of the fish, oil, &c. produced at and near the St. Lawrence, which would be a greatly beneficial acquisition. While they hold possession of Canada, our frontier must be very extensive, and the savages at their command, and we had almost said, the enemy destroy and take yearly from the frontiers bordering on Canada as much in value as the cost of reducing and holding that country. We are sure the defence of our frontiers costs more.

The securing that country in our favor will be the only effectual means to enable us to secure those of Ohio and Missisipi, both on account of obtaining in that way the interest of the savages in our favor, and as the conveyance for the enemy (while they hold possession of Canada) of men, ammunition and provisions to those parts is not only as easy but more expeditious and safe by the waters St. Lawrence than by the Gulf of Mexico. And in our opinion those countries cannot otherwise be effectually secured. By obtaining Canada we add to our force thirty thousand fighting men and destroy the efficacy of the bill passed in the British Parliament in the year 1774 for extending the province of Quebec which includes the province of Main and great part of New Hampshire, these Grants, &c. the establishment of which is, without doubt, the main object of the enemy in taking and holding possession at Penobscot, and within the extent of which the United States have not a single fortress to cover their claim in opposition to that of the British. In short that bill is so extensive that should it be established the united States would have little or nothing left worth contending for, and we see not how it can be effectually destroyed but by a union of Canada with them.

The body of inhabitants in that country are desirous of such union, and unless it can be bro't about speedily by sending a force into Canada, they will be under necessity to take an active part against us, which they have hitherto avoided.

The whole force of Britain now in arms in Canada at all their posts from Quebec to Detroit including one thousand five hundred tories and Indians (who are continually roving and destroying our frontiers) does not exceed five thousand men; one thousand are stationed in the district of Montreal, and six hundred of the rovers have that district for their head quarters.

The communication from the settlements on this river to St. Charles on Chamblee river is easy—the road already opened more than half the way, the rest may be opened at very little expense, and the whole will be very good—the distance about one hundred miles.

A good commander with few continental troops in addition to such Voluntiers as may be raised for that purpose on these Grants and in the New England States, with a suitable quantity of arms and ammunition to furnish those Canadians who are now eager for such an expedition, and will at once join us on arrival of an army there, will easily take possession of and keep the district of Montreal, and that being secured, the country above, even to and beyond the western Lakes must soon submit to the united states.

Your petitioners are confident that fifteen hundred men from these Grants will turn out (if called for) to assist in taking possession of that country. They can and will chearfully furnish five hundred horses, one hundred teams and ten thousand bushels of wheat, and more if necessary, also such other grain as may be wanted on the credit of the continent from the district of country between the heights on the two sides of Connecticut river and north of the Massachusetts Bay, the inhabitants of which, (more than five thousand families) are now chiefly obliged to hold the sword in one hand and tools for husbandry in the other, and probably must continue so to do till that country is reduced, unless we have a large continental force continually supported here to defend us from their ravages, as our frontier is very extensive.

We therefore humbly pray that Congress will be pleased to order an expedition into Canada, by the middle of September next, or as soon as possible, and publish a recommendation to the people on the Grants and to the New England States for voluntiers to join such Continental forces as shall be sent on the expedition, and that we make

ready necessary provisions which your petitioners will chearfully comply with to the utmost of their power.

And as in duty bound shall ever pray, &c.

Per order of the Convention,

BEZA. WOODWARD, Clerk.

Another letter from Beza. Woodward to the President of Congress, relating to the New Hampshire Grants.

Dresden on the New Hampshire Grants }
August 31st, 1780. }

May it please your Excellency.

Col. Olcott [is] again appointed* agent in behalf of the people on both sides Connecticut river from Charleston upward, in the dispute betwixt the claiming States and the New Hampshire Grants.—We entreat that a determination of the question "Whether a new State be allowed on the Grants," may be deferred no longer, as every confusion is taking place among the people and will continue while that point is unsettled, of which he can give particular information and to whom we beg leave to refer Congress.

We trust our petition by our agents last winter and the committees letter of the 20th ult. will be brought to the view of Congress when the trial comes on. There is no one point in which the people can agree so well as in an union with N. Hampshire in case the whole on both sides of the river shall not be permitted to unite in a new State, which the body of the people have now done expecting—[two or three words erased] We would however entreat that after the determination that a new State be not admitted, the people may be called upon to show which of the States they wish to be united with, as the happiness and prosperity of the inhabitants will greatly depend on their being gratified in that respect; such a measure also will have the most effectual tendency to procure an universal acquiescence in the resolves of Congress respecting the matter, as it will evidence a tender concern in Congress for their welfare.

Great numbers think they have an undoubted right to

* Appointed by the convention at Dresden, Aug. 30, 1780.

demand a union with New Hampshire by virtue of the compact made with them by the King in the Grants he made of the lands by the Governor of New Hampshire.

It has been suggested that the people will take arms and claim protection of Canada under the Quebec bill in opposition to any resolve Congress may pass against a new State, which we can assure them is without foundation in respect to the body of the people, who are waiting with earnest expectation the decision of Congress on the subject, and mean to conform their conduct to it—there are very few but what will readily acquiesce—none of any consequence on this side the green mountains, and few on the other, however some of their leaders may desire to raise a tumult in opposition to them.

Col. Olcott is vested with all the power which our people can confer while in our present distracted situation, and we hope his measures in the matter conformable to this and other papers from this quarter may be considered as the voice of the people.

I write this by order and in behalf of the general Committee in the northern district of the grants and have the honor to be with highest sentiments of respect, Sir,

Your Excellency's most obedient and most humble servant,

BEZA. WOODWARD, Clerk.

His Excellency the President of Congress.
[Endorsed]
Read, Sept. 18, 1780.

Letter from Hon. John Sullivan, delegate in Congress, to Meshech Weare, relating to affairs in Vermont.

[P. 189.] Philadelphia, Septem^r 16, 1780.

DEAR SIR—

Congress have not yet come to a single resolution respecting Vermont, though it has been five days on the Tapis. New York seems disposed to have a determination against its being an Independent State, & then to have Commes^rs appointed to say whether it falls to New York or New Hamps^re. General Foulsom and myself have opposed this

and urged the appointment of Commissioners in the first Instance, both upon principles of policy & upon a conviction of the want of power in Congress to take any other step agreeable to the articles of Confederation.

I last evening received Letters from several persons of note in that quarter & the adjacent parts of New Hamp^r^ expressive of the sentiments of the people, assuring me that a Division of the Grants will be Disagreeable to all: That if Congress are determined they shall not be Independent, seven-eighths of them will petition Congress to Re-unite them to New Hamps^r^. Col^o^ Olcott of Vermont waited on me & assured me that this was the general sentiment of the People. I shall therefore be less violent in my opposition to that Question in future. I am exceeding happy to find that New York have appointed three Gentlemen of high spirits & all deeply interested in the event, to appear as agents for that State, breathing out nothing but Death & Slaughter against those people who have so long set their authority at Defiance & painting the Bitter enmity which they have ever discovered against the Yorkers. To this I have endeavoured to oppose the moderate spirit of New Hampshire; her readiness to acquiesce in the Determination of Congress & even though the Land is clearly within her limits, to submit to its being a separate State if Con- [P. 190.] gress should find it for the good of the whole. I have assisted the Yorkers in establishing the fact of an utter aversion of those people to live under their jurisdiction, and at the same time have taken care to maintain the harmony which has ever subsisted between them & New Hampshire. This I find is likely to have the effect intended. The members begin to see, that if the lands are adjudged to New York, the Continent must be involved in a war to enforce the Determination of Congress, which can only be avoided by adjudging it to New Hamps^r^; and I am convinced this will finally turn the Scale in favor of New Hampshire. I wish to have forwarded to me as soon as possible, one of the New Hampshire Law Books, in which is Governor Wentworth's Commission, as the Secretary has only furnished me with an extract from it without Date. I am indeed ashamed of the papers furnished from New Hampshire, & hope for success rather from Political considerations than from any other motives: A material paper is the prohibition to the Governor of New York in 1767 [see

ante p. 243] to exercise jurisdiction or grant Lands in that Territory. This I cannot obtain; New York agents are possessed of, but will not produce it. I apprehend it must be in the Secretary's office. The several papers which I wrote for when at home or such of them as can be procured ought to be forwarded. The Southern members are as ignorant of the history of New England, as we are of the lands under the Poles. I procured some useful papers in Connecticut & hope to obtain more before the final Tryal. I shall also be glad of every evidence that New Hampshire can furnish & of their Instructions from time to time.

[P. 191.] We have nothing new since Gen[l] Gates' defeat. I have seen a private letter from Gen[l] Smallwood giving a particular account of the action. The loss on our side was about two hundred; the Enemy's five hundred. The brave Marylanders after being deserted by the Militia and the Commander-in-chief, performed wonders, & retired with regularity. General Smallwood had not heard of General Gates, when he wrote, as he had retired 200 miles from the place of action before he wrote the Letter which so much frightened those who believed it, of which I never was of the number. We have this day rec'd Intelligence from New York that the second Division of the French fleet is on the coast. I rejoice that Gen[l] Washington gives New Hampshire credit for complying with the requisitions of Congress better than any other State. I wish her to continue her exertions as the army is literally starving, & I fear will disband; we are using every exertion to Remedy the evils which surround us, but it is a very late hour for the Business though I hope not too late.

I have the honor to be most respectfully
Dear Sir, your most obed[t] Serv[t],
Jn°. Sullivan.

Hon[ble] Meshech Weare, Esq[r].

Letter from Gen. Jacob Bailey to Meshech Weare, relating to Vermont, Canada, &c.

[P. 193.] Newbury, 6[th] Nov[r] 1780.

Sr—

I send Inclosed an Extract of a letter from Maj[r] Allen to

Capt. Safford, which is very alarming to me. I question whether either of the United States may proceed so far as that Extract shows they have done. They confine the Truce to this State, as they call it the Threats they have made, and many other concurring reasons Induceth me to think the Letters of importance, and Negotiations mentioned in the abstract are noe other but in consequence of previous Proposals by Gen[l] Allen to the Governor of Canada in behalf of Vermont.* I cannot expect any better of a member on that side the Mountains, if they cannot have their will, than to join the Enemy; and if they do it, will be bad for you as well as us. Immediate care ought to be taken, but the case is, men will not believe till too late: I did give notice to you of the temper of that people, and urge that you would insist at Congress for a determination, whether Vermont was a State or not, and that without delay. Instead of that, I am informed your agent at Congress opposed the motion when put. Therefore the dispute is not settled and time given to the Enemy to make the greatest offers to them People. All the force that can be spared from Canada is at Crown Point and Onion River; and tho' they have been for six weeks in that Quarter, and it has been in their power to Distress the People on the grants west of the mountains, yet not man kiled or Captivated nor a House Burnt; but look on this side where People are opposed to the People on the west, in their Extravagancys they Burn, [p. 194.] kill and Captivate, and have been and now are watching to Destroy this and other places on this River. Also look at York State: What Devastations have they made, even to Fort Miller, the Country is Ransacked and burnt: is it not alarming? On our Part we shall keep a good look out and are determined to oppose to the last. I do expect they will make another attack on this River. I wish you would give orders that the nighest Reg[ts] in your State to us might be in Readiness; while I am writing, Lt White came in from Onion River; informs that a party of Enemy

* The correspondence here referred to is of great historical interest and importance. It was carried on from 1779 to 1783, between parties in Vermont, New York, and Canada, with a view to detach Vermont from the United States and to annex it to the king's dominion in Canada. It is called the "*Haldimand Correspondence*," and is published, very fully, in Gov. and Coun. Rec. Ver., Vol. II, Appendix I, pp. 396–486, to which readers are referred.—Ed.

are still on Onion River. Your Troops are well that are here, and I am much pleased with your officers.

I am, Gent[n]
Your most obedient
Humble Servant
JACOB BAILEY.

[P. 195.] *Extract of a Letter from Maj. Allen, dated at Otter Creek, Oct. 30, 1780, to Capt. Safford at Bethel east of the Mountains.*

DEAR S[R]

I received a letter from General Allen last evening informing that the Evening before he rec'd a Flag from the British Troops at Crown Point with letters of Importance from the Commander-in-Chief at Quebec. Major Carlton hath pledged his Faith that all hostilitys shall cease on his Part during the Negotiation, and he Expects the same on our Part;—you are therefore carefully to observe the rules of war and give strict orders to your scouts and Troops to govern themselves accordingly.

A copy of this Letter you will forward to the Troops stationed on your side of the mountains in this State. I shall inform you of every move necessary for you moving on this side of the mountains. If the spirit of this letter were made known to the Inhabitants on your side the mountains it would be well.

I am, dear S[r] yours,
EBEN[R] ALLEN, Maj[r] Com[dnt]

Copie.

Letter from Gen. Bailey to Meshech Weare, relating to the same affairs.

[P. 199.] Newbury, 22[d] Nov[r] 1780.

S[R]

The season is such that the Enemy is not likely to do any more mischief at present. We thought the soldiers had better be discharged, and I suppose Maj[r] Whitcombs soldiers will be Furlough'd; therefore you need no issuing Commissary here; but I should think if Major Child's or any other man should continue purchasing (which I should think advisable) that Col[o] Charles Johnson should be

appointed to Receive. It will be doubtless necessary that at least two Hundred men is sent here as soon as the first of Febry, as then the snow and Ise will be hard, and fit for Snow shoeing. I understand General Allen has made peace for Vermont till that time, but as we dont own that State we shall be their only butt: If the United States and your State in Particular do not take notice of such Treasonable conduct, we had better let the cause drop; if you had the Jurisdiction of the whole Grants, which I am sure you could if you only desire it, the Country would be safe; but if you split at the River you keep all in confusion, and must still depend for your own safety, and reap no Benefit neither by Tax nor Vacant Land, which is very considerable: While the matter hangs in suspense the Enemy may take possession (they claim it by the Quebec Bill, as well as Part of your State) then where is your State? For my part I am determined to fight for New Hampr and the United States, as long as I am alive and have one copper in my hands; but if our exertions are not greater and more effectual, another year will end the dispute not in our favour.

[P. 201.] The United States suffer themselves to be attacted Front and Rear and on the Flanks. Did General Burgoin get clear when that was the case with him? Our Chariot is in the mire: Praying to Hercules or France without putting too the shoulder with all our might, will not do.

This Frontier is the only one for five hundred miles west Remaining; it is near the Enemy; it is of great Importance to you as well as the other New England States, and the cause in General. Shall we forever be on the defensive, and yet not able to defend ourselves, as it is impossible we should while Canada is in the hands of the Enemy? Shall we not make an attempt on Canada that Harbour for Spoilers, Thieves and Robbers? I must confess the cause is sinking so fast in my view, I am willing (as I see no other remedy) to make the attempt if I run ten chances to one to die in the attempt. Sr I hope you will Excuse my freedom and give me leave to subscribe myself your Honrs most obedient

Humble Servant,
JACOB BAILEY.

Honbl Meshech Weare.

NOTE BY THE EDITOR.

[For other important documents relating to this controversy on the part of Vermont, and adherents on border towns of Connecticut river, from January 1 to December, 1780, see Gov. and Coun. Rec. Ver., Vol. II, App. E, pp. 223–278; also, Slade's Vermont Papers.]

SECTION X.

FRESH MEASURES TO FORM A NEW STATE OF THE NEW HAMPSHIRE GRANTS ON BOTH SIDES THE CONNECTICUT RIVER.

Proceedings of a Convention at Walpole, Nov. 15, 16, 1780.*

[Copied from Slade's State Papers, pp. 126, 127; also, see Gov. and Coun. Ver., Vol. II, pp. 278, 279.]

At a CONVENTION OF DELEGATES, from the several Towns in the County of Cheshire, in the State of New Hampshire, held at *Walpole* in said County, on the 15th day of November, in the year of our Lord, one thousand seven hundred and eighty.

Voted, That *Dr. Page, Col. Hunt, Capt. Holmes, Daniel Jones, Esq.*, and *Col. Bellows*, be a Committee to confer with gentlemen from any parts of the Territory, called the New Hampshire Grants, concerning the jurisdiction of the said grants, and to consider what is proper to be done, by the inhabitants thereof, relative to their jurisdiction; that the same may be ascertained and established;—Which Committee, after due enquiry and consideration, report as follows: viz.

* "Delegations from three counties (Cumberland, Gloucester, N. Y., and Grafton, N. H.) having by previous agreement met on the 8th of November, 1780, at Charlestown, N. H., measures were taken to learn the sentiments of the inhabitants residing in the towns included in the district which it was proposed to establish. Until the result of this inquiry should be declared, ultimate action was postponed. Desirous of engaging in the union, the towns in the county of Cheshire, N. H., sent delegates to a meeting which was held at Walpole on the 15th of November."—Wms. Hist. of East. Ver., p. 401.

The Committee appointed by the Convention, held at Walpole, November 15th, 1780, do report, That we have conferred with the several gentlemen present, who were committees from the different parts of the territory, called the New Hampshire Grants, viz. *Cumberland, Gloucester* and *Grafton* Counties, and do find, that many matters lately agitated with respect to the jurisdiction of the New Hampshire Grants, render a union of the inhabitants of that territory indispensably necessary. The said inhabitants received the grants of their lands from the same jurisdiction, and settled them while a union was extant; which was an implicit engagement of authority, that it should be continued. But we were unjustly deprived of the advantages resulting from it, in the year 1764, by an arbitrary decree of Great Britain, to which we never acceded; which decree, however, cannot be esteemed efficacious, since the declaration of Independence; it being one of those iniquitous measures, by which they were attempting to oppress the Colonies; and for which we have since thrown off subjection. This being the case, the union re-exists. And shall we throw it off? God forbid. The situation of the territory aforesaid, by reason of their being a frontier, as well as many other matters, which are obvious respecting commerce and transactions of a public nature, make it expedient that they be united in all their interests, in order to make their efforts, in that quarter, against the common enemy, more vigorous and efficacious. In respect to government, great disadvantages may arise by a division. In that case delinquents may easily evade the operations of justice, by passing from one State to another, and thereby be induced more readily to practice iniquity in that part where the body of inhabitants and the principal traffick center. And we imagine that a union of public interests, is the only means by which the contentions and animosities, now subsisting among the inhabitants of the territory aforesaid, can be brought to a happy issue: for, so long as the course of justice is in different channels, where people are so nearly allied, disturbances will arise. From authentic information, we cannot but apprehend, that the State of New Hampshire is greatly remiss, if not grossly negligent (to call it by no harsher name) in trusting affairs of such great importance as the settlement of their western boundary, to a committee, some of whom, we conceive, would risk the loss of half the State, rather than New Hampshire

should extend their claim west of Connecticut river. And, from the best authority that can be obtained, it appears that the agent of the State aforesaid, is endeavouring to confirm a division of the Grants, contrary to their true interests; which has given the people on the Grants, just occasion to rouse and exert themselves in support of an union of the whole. We therefore earnestly recommend, as the only means to obtain an union, preserve peace, harmony and brotherly love, and the interest of the community in general, that a convention be called from every town within the said grants, to be held at Charlestown, on the third Tuesday of January next, at one of the clock, in the afternoon; and that one or more members be appointed from each town, with proper instructions to unite in such measures as the majority shall judge most conducive to consolidate an union of the grants, and effect a final settlement of the line of jurisdiction.

B. Bellows
S. Hunt
D. Jones
L. Holmes
W. Page
} Committee.*

In Convention, at *Walpole, November* 16th, 1780.

The above report being repeatedly read,

Voted, That it be accepted; and a sufficient number of copies be printed and transmitted to the several towns on the New Hampshire Grants, on both sides of Connecticut river, for their notice, to appoint one or more members to attend the said General Convention;—which shall be deemed a sufficient notification.

By order of the Convention.

Benjamin Bellows, Chairman

A true copy, Attest Daniel Newcomb, Clerk.

* Colonel Samuel Hunt and Dr. William Page were the delegates sent to the convention from Charlestown. Col. Benjamin Bellows (afterwards General) was from Walpole. Daniel Jones, Esq., was a citizen of Hinsdale, and was the first chief-justice of the court of common pleas after the organization of the county of Cheshire in 1771. The residence of Captain Holmes has not been ascertained. Daniel Newcomb, Esq., clerk, was of Keene, and subsequently was judge of the superior court. (See Hist. of Charlestown, p. 144.)—Ed.

Letter from Thomas Chittenden to Meshech Weare, enclosing a copy of his Letter to Congress of the 25th *of July last* (see *ante*, p. 366).

[p. 203.] State of Vermont: In Council.

Bennington Dec. 12th, 1780.

Sir—

Inclosed I transmit your Excellency a Copy of my Letter to Congress of the 25th July last, which together with this, I request may be laid before the Legislature of the State over whom you preside, for their perusal and consideration.

The arguments and representations therein exhibited, are equally applicable for the consideration of the several Legislatures of the United States seperately.

Many and great are the evils which Vermont labour under,—Congress claiming a Jurisdiction over them, three of the United States claiming their Territory in whole or in part, and Vermont at the same time a Frontier in part to to these very States, and exposed to British Invasions, who being possessed of the Lakes, can suddenly bring their whole force into this State, which beyond Hessitation will be their object next campaign (unless some immediate measures are adopted to prevent it) as they have already destroyed the frontier settlements of the State of New [p. 204.] York; In a word, their Force will undoubtedly be so great, that it will be out of the power of this State to form Magazines and support a Body of Troops sufficient to withstand them; and the consequence must inevitably be, either, That the inhabitants of this State be sacrificed or 2ndly, be obliged to retire into the interior parts of the United States for safety: or 3rdly be under the disagreeable necessity of making the best terms with the British that may be in their power.

Nearly the same would be the condition of either of the United States seperately considered from their union (as they would be unable to withstand the British power;)—which may abundantly serve to evince, that it is out of the power of Vermont to be further serviceable to them, unless they are admitted into union.

This State are of opinion that it is high time she had better assurances from the several States now in union, whether at the conclusion of the present war, she may

without molestation enjoy her Independence, or whether she is only struggling in a Bloody War, to establish neighbouring States in their Independence, to overthrow or swallow up her own, and deprive her citizens of their landed estates.

I do therefore, in Behalf of this State, demand your Legislature that they relinquish their claim to jurisdiction over any and every part of this State, and request them to join in a solid union with Vermont against the British Forces which invade the American States. Such a union for the mutual advantage of both States, I am ready to ratify and confirm on the part of this State.

I have the honor to be, with sentiments
of Respect & Esteem, your Excellency's
very obed[t] Humble servant,
THO[s] CHITTENDEN.

P. S. I would recommend to your Excellency's favorable notice, Maj[r] Fay the Bearer, who is a Gentleman in whom the highest confidence may be put for any further particulars of Intelligence. T. C.

His Excellency, Meshech Weare, Esq,
President of the Council of the State of
New Hampshire.

Resolutions of the General Assembly of New Hampshire, Jan. 13, 1781, *instructing its Delegates in Congress.*

[Copied from Vol. II, Rec. Gov. & Coun. Ver., App. G., p. 274.]

State of New Hampshire.

In House of Representatives, January 12[th], 1781.

Whereas this State is subjected to many hardships & Inconveniences on Account of the unsettled situation of the Inhabitants of the Tract of Land called the New Hampshire Grants, west of Connecticut-River—A respectable number of whom, being desirous of having said Tract confirmed to this State, considering the same as part thereof—And it being highly necessary as well for the good of this State, as for the Interest of the Inhabitants of said Tract that a speedy Decision be had thereon—

Therefore Resolved, that the agents & Delegates from

this State to the Continental Congress be instructed, and they are hereby instructed to use every possible means to induce Congress to make a speedy and final Determination of the Disputes relating to the Tract of Land aforesaid—and as soon as Congress shall proceed in this matter, it is the Opinion of this State, that the said Agents and Delegates ought to use their Endeavours to have the Question, "Whether the said Tract of Land shall be a Separate and Independent State" first determined. That, if the same shall be determined in the Negative, they and each of them urge all proper Motives & Arguments to have the same Tract confirmed to the State of New Hampshire—for which purpose they are directed to make use of the Papers now in their possession respecting the said Dispute—and to procure such others as may be of service.

It is further Resolved that the Honorable the President be desired to enclose an Attested Copy of this Resolve & transmit the same to the said Agents & Delegates* as soon as may be.

Sent up for Concurrence.

JOHN LANGDON, Speaker.

In Council, Jan. 13th 1781.
Read & Concurred.

M. WEARE, Presᵗ.

Letter from Joseph Fay to Meshech Weare, accompanying the letter of Gov. Chittenden.

[P. 205.] Boston, Febʸ 3, 1781.

SIR—

Herewith your Excellency will receive a letter from Govʳ Chittenden, which I intended to have had the honor of Delivering in person; but as I am informed your Assembly are not sitting at this time, Earnestly request your Excellency to take the earliest opportunity to communicate them for their consideration, and on any determination thereon,

* Our delegates in congress at this time were John Sullivan and Samuel Livermore, who were also authorized and empowered to act as agents for New Hampshire, in respect of the New Hampshire grants. Benjamin Bellows was also chosen delegate and agent, but it does not appear that he attended. See N. H. State Pap., Vol. 8, p. 887.—ED.

must beg your Excellency to transmit their doings to Governor Chittenden—which will be acknowledged as a favor by your Excellency's

Very Ob^{t} Humb^{l} Serv^{t},
JOSEPH FAY.

His Excellency
Meshech Weare, Esq.

CONVENTION AT CHARLESTOWN.

NOTE. The author of the history of Charlestown, Rev. Henry H. Saunderson, says (page 144),—"When it became known that there was to be a convention at Charlestown, each of the different parties exerted themselves to the utmost to convince the people of the importance of adopting their favorite scheme. New Hampshire, elated with expectation on account of the report of the convention at Walpole, was busy, through her agents, to gain every possible advantage to herself. The New York agents, who were in favor of a new state that should comprehend the towns from the Masonian line to the ridge of the Green Mountains, were also busy in propagating their views. Vermont had also those in the field who to an indomitable energy added a vigilance that was not easy to be foiled."—ED.

Origin of the Charlestown Convention of Jan. 16, 1781.

[From Gov. & Coun. Rec. Ver., Vol. II., App. K., p. 488.]

In Convention of Committees from several Towns in the County of Cumberland, 31st October, 1780.

Resolved, That Luke Knowlton, Esq^{r} Hilkiah Grout, Esq^{r} Oliver Lovell, Esq^{r} Col^{o} John Sargeants, Micah Townsend, Esq^{r} Major Jonathan Hunt, Simon Stevens, Esq^{r} Charles Phelps Esq^{r} Mr. Benjamin Henry, James Clay, Esq^{r} Major Elkanah Day, Mr. Thomas Cutler and Mr. Barzillai Rice be and hereby are nominated and appointed a Committee to meet such persons as shall be authorized for the purpose by a Convention, or Committee of Gloucester County on the West and Grafton County on the East side of Connecticut River to devise and carry into Execution such Measures as they shall deem best calculated to unite in one Political Body all the Inhabitants from Mason's Grant on the East to the Heighth of land on the West side

of said River. And that a majority of the persons above named or such of them as shall meet at Charlestown on Wednesday the Eighth of November next be empowered to act in the premises.

By order,

NATHANIEL CUSHING.

NOTE by Hon. J. H. Phelps. The foregoing paper, except the signature, is in the handwriting of Micah Townsend.

Journal of the Convention of Delegates from forty-three Towns of the New Hampshire Grants, Jan. 16, 1781.

[Copied from Saunderson's History of Charlestown, pp. 145-152.]

At a Convention of Members from forty three Towns on the New Hampshire Grants, begun and held at Charlestown, Jan. 16, 1781.

The Honorable Samuel Chase, Esq.* was chosen chairman, and Bezaleel Woodward Esq. clerk.

Resolved, That General Bellows, Daniel Jones Esq. Colonel Hunt, Mr. Woodard, Colonel Bedel, Colonel Paine, Colonel Olcott, Captain Curtiss, Mr. White, Colonel Wells, Mr. Knowlton and Mr. Townsend, be a Committee to prepare matters necessary to be transacted by this Convention; and that they report the same with all convenient speed.

January 18th, 10 o'clock, A. M.

The Committee above named, made report, which being read, is in the words following, viz: Whereas, the Governor of New Hampshire, before and after the close of the last war, did exercise jurisdiction over, and grant the greatest part of the lands within the territory commonly called the *New Hampshire Grants*, on both sides of Connecticut River, to sundry companies of persons, principally inhabitants of New England, who offered to undertake, and carry into effect, settlements thereon, subject to the jurisdiction of the Crown of Great Britain, in connection with the Colony of New Hampshire:

* Samuel Chase, Esq., was of Cornish.—ED.

And, Whereas, the said undertakers did undergo infinite hardships, trials and fatigues, in forming settlements in the several townships, on both sides of the river, agreeable to their engagement; induced by the happiness in prospect for themselves and posterity, resulting in great measure from an happy union of their settlements on the two sides of the river, under the same jurisdiction; the benefits of which had long been experienced in adjacent governments, and which were plighted to them by the circumstances and conditions under which they received and held their grants:

And, Whereas, the king of Great Britain did, in the year 1764, pass an arbitrary decree, that the said territory should be divided at Connecticut River; subjecting one part to the jurisdiction of his Governor of New York, and continuing the other part under the jurisdiction of his Governor of New Hampshire, whereby the said territory was divided without the consent or knowledge of the owners and proprietors, in violation of the royal engagements, and contrary to the true interests of the Inhabitants; against which measure those most immediately affected, so soon as the matter came to their knowledge, did, in the most humble, earnest and affecting manner remonstrate and petition; sent agents to Great Britain to state before the King their grievances, and humbly interceded for redress; and at the same time took every prudent measure to obtain the interest of adjacent Colonies in their favor, especially that of New Hampshire, from connection with which they had been separated:

And Whereas, the said connection rendered the Government of New Hampshire more extensive than the object of their first incorporation, viz.—the Mason Patent;—which extension has ever been a source of uneasiness and discontent to several persons of influence and importance in that Government, and the Assembly of New Hampshire therefore refused to use their influence in favor of a reunion of the Grants, after the division of them by the decree of 1764, when applied to for that purpose, in behalf of the owners, proprietors and inhabitants of the said territory:

And, Whereas, the obligations of the inhabitants of the said territory, as well as of all others in the United States, to allegiance and subordination to the Crown of Great

Britain have ceased, on account of the series of unconstitutional and oppressive measures of that authority, towards the American plantations; and independence has therefore been declared by the inhabitants of the said grants, with the United States, whereby all these connections have ceased, which resulted from and were dependent on a subordination to Great Britain: And, as the said territory was never annexed by Charter to any one or more of the American Colonies, nor otherwise connected than by an order from the King to his Governors, to exercise authority there in behalf of the Crown, and, by a grant of the feoffees to claim a right to be continued in union with one another in matters of Government: The Jurisdiction was, of consequence, by the declaration of Independence, transferred to the inhabitants; which they had good right to undertake and exercise, whenever they should see fit:—Yet, the said inhabitants influenced by attachments to the different governments with which they had been connected (resulting from a habituated submission to despotic power) and not immediately attending to the singular circumstances under which independence from the power of Great Britain left them, did many of them passively submit to, and act with those governments to which the king of Great Britain had last annexed them; while on the other hand, a considerable part of the inhabitants of the said territory, influenced by uneasiness with the measures of those governments, and being early led to enquire into our peculiar situation (to which others were inattentive) did observe and publish to the world, their views in respect to our independence, and in conformity thereto broke off connection with the States of New York and New Hampshire; and of those on the west side of the river, who had withdrawn connection with the State of New York, only viewing the operation of independence from Great Britain, in respect of themselves, and not attending that the whole of the Grants were thereby placed in similar situation, did associate together, and set up a new and independent government.

And Whereas, as the States of New York and New Hampshire, influenced by the refusal of a respectable number of inhabitants of those parts of the grants, which they severally claimed, to submit to their respective jurisdictions, complained to the Congress of the United States of measures taken by the said inhabitants in respect to their independ-

ence; and also made known to Congress, that they had claims to the said territory;—And as Congress, on the 24th of September, 1779, did resolve and publish, that they would take upon themselves a final settlement of the disputes respecting the said Grants, provided the states concerned should agree thereto; (and, among other things, recommended that no State should exercise jurisdiction over any of the inhabitants of the said district, except such as should profess allegiance to, and confess the jurisdiction of the same) which was complied with by the States; And as sundry periods have elapsed, which Congress had appointed for a decision of the said matter in controversy, without any thing material being transacted on the subject, and as, notwithstanding the claim of New Hampshire to the whole of the Grants, the evident object of both States, by their agent at Congress, has of late been to establish a division at the river, contrary to the true interest of the inhabitants; as they would thereby be deprived of those advantages, in respect to commerce, and transactions of a public nature, which would naturally result from that union of the two sides of the river, which they had warrant to expect, and have right to demand, from the nature, tenor and circumstances of the grants which they hold:

And Whereas, a considerable part of the inhabitants on the said territory, having disavowed connection with any State already formed, have subsisted for some time without any regular form of government, and have been destitute of civil regulations, for want of which they are reduced to lamentable circumstances; and as they are thereby prevented in a great degree from performing that part in the present contest with Great Britain, which might otherwise reasonably be expected, and which might be of essential service in the grand dispute; And as the contiguity of the said grants to the Province of Canada, renders the inhabitants a frontier to the New England States; and as the Parliament of Great Britain have done what in them lies, towards annexing the greater part of the said territory to the Province of Canada, by the act commonly called the *Quebec Bill*, for the purpose of obtaining an establishment whereof, it is to be expected they will further employ their force, in attempting the reduction of the inhabitants, or destruction of them and their property: And as the British forces in conjunction

with their savage allies, have of late begun a new scene of devastation among us, by burning some of our towns, and carrying the peaceable inhabitants into captivity; and it is to be expected that great part of the said territory will be treated in the same manner, unless vigorous measures are taken to prevent them; and as there is no military force employed by the Continent, or any of the States for our defence;—which renders an union without delay absolutely necessary, or great numbers will immediately abandon their habitations, which will give such advantage to the cause of Britain, and so open and extend this frontier, that a much greater force will then be necessary for its defence: And as nothing considerable can be done by the inhabitants of the said territory, tending to their own defence, until they are firmly united for that purpose, and in measures of government:

This Convention, therefore, taking the aforesaid matters into their most serious consideration, and being duly authorized by their constituents, the inhabitants of the said territory, do hereby publish and declare that notwithstanding all the unjust measures which have been, or may be, taken to divide us, the right of union still remains to the inhabitants of said territory, which we are determined to maintain and support; and bind ourselves *by the ties of virtue and honor*, as we are already bound by the ties of interest, to unite in all such lawful measures as the majority of the representative body of the inhabitants of said territory, duly convened, or such as they may appoint under them, shall agree upon, to maintain and support a union of the inhabitants on the whole of said grants; *holding ourselves in duty bound to abide the decisions of Congress on the subject, when the matter shall be properly stated before them, and their resolutions thereon be obtained.*

As the primary object of this Convention is, that an union of the whole of the grants be formed and Consolidated upon principles that the majority think proper; and as a considerable part of the said Grants are represented in the State of Vermont;—

Resolved—That a Committee be chosen to confer with the said Assembly, at their next Session, on the subject of said union, and invite them to join in measures which may be most conducive to obtain the object proposed.

Resolved—That the proceedings of this Convention be laid before the several Towns on the Grants, for their approbation; recommending that those towns which concur in the measures, and have no representatives or delegates in this Convention, appoint members for that purpose; and that each and every town impower their members to join with the representatives of other towns on the Grants, who shall agree to unite together, in all such measures as shall be necessary for our internal regulations and defense.

Which declarations and resolutions having been repeatedly read and maturely considered, the question was put whether this Convention do agree with their Committee in their said report:——which was carried in the affirmative.

Whereupon *Resolved*—That Dr. William Page, Daniel Jones, Esq. and Mr. Elijah Frink, of the County of Cheshire; Luke Knowlton, Micah Townsend and John Bridgman, Esq^rs of the County of Cumberland; Colonel Peter Olcott, Noah White, Esq^r and Captain John Strong, of the County of Gloucester; and Colonel Paine, Bezaleel Woodard, Esq^r and Mr. Davenport Phelps, of the County of Grafton, be a Committee to confer with the Assembly of Vermont, agreeable to the foregoing resolutions.

Resolved—That the proceedings of this Convention be printed, and one copy thereof transmitted to each town on the Grants; and that Major Day, Mr. Townsend, and Mr. Lovell be a Committee for that purpose.

Resolved—That this Convention do adjourn to meet at the meeting House in Cornish on the first Wednesday in February next, at one of the clock in the afternoon.

PROTEST OF A MINORITY OF THE DELEGATES.

In Convention, at Charlestown, January 18, 1781.

We the subscribers, delegates from the several towns to which our names are affixed, wishing for and endeavouring to form a Union of the New Hampshire Grants on both sides of Connecticut River, and contented that they be annexed to New Hampshire, or be a separate State, as Congress may judge proper; but thinking ourselves not authorized by our Constituents to unite with the said Grants, in

the method resolved by the said Convention; and being of opinion that their proceedings have a tendency to weaken the reins of government—to retard the exertions of those who are engaged to oppose the public enemy—to introduce irregularity and disorder in the County of Cheshire, and not conducive to the end proposed,—think it our duty to protest against the proceedings of said Convention.

Winchester	SAMUEL ASHLEY REUBEN ALEXANDER
Walpole,	BENJAMIN BELLOWS
Charlestown,	SAMUEL HUNT
Richmond,	OLIVER CAPRON
Keene	TIMOTHY ELLIS DANIEL NEWCOMB
Alstead,	NATHANIEL S. PRENTICE
Claremont	OLIVER ASHLEY MATTHIAS STONE
Newport	BENJAMIN GILES.

Extract from Minutes.*

BEZALEEL WOODWARD, Clerk.

Secret history of the Charlestown Convention, &c., by Ira Allen.

[Copied from Rec. Gov. & Coun. Ver., Vol. II, pp. 284, 285.]

The Governor and Council appointed Colonel Ira Allen to repair to Charlestown to meet that Convention, and to take such measures as his prudence should dictate, and which might be conducive to the interest of the State. Mr. Allen took credentials from Sunderland, as a member, to meet the Convention, from that town, agreeable to invitation: before he arrived, the Convention had been in session two days, and had appointed a Committee to state the business of their meeting. Forty-three towns were represented in the Convention; twelve of those representatives were members of the Council and Assembly of New Hampshire.

* The editor has not been able to find the entire journal of the Charlestown Convention, nor the entire list of delegates to that Convention.—ED.

Mr. Allen did not take a seat as a member of the Convention, nor produce his credentials. At length the Committee reported to unite all the New Hampshire Grants to New Hampshire, which was adopted by a great majority, and went in fact to annihilate the State of Vermont. Mr. Allen informed some confidential persons, that the Governor, Council, and some other leading characters, on the west side of the Green Mountains, were for extending their claim of jurisdiction to the Mason line; and that if the Convention would take proper measures, the Legislature of Vermont would extend their claim at their adjourned term in February 1781; and that he was authorised to give such assurance.

A motion was made and carried, to consider the report, and re-commit it to the committee, to be corrected and fitted for the Press, as it would be a matter of public notoriety, and to lay it again before the Convention next morning. The friends of New Hampshire, were much pleased with their success, and well enjoyed the night: but the scene changed the next morning, and the committee reversed their report, and reported to unite all the territory of New Hampshire, west of Mason's east line, extending to Connecticut river, with the State of Vermont; and which report was accepted by a great majority of the Convention, it being principally opposed by twelve members of the Council and Assembly of New Hampshire, who, thereupon, withdrew to remonstrate against the proceeding.

This bare-faced conduct of the members of the Legislature disclosed their intention at once, and furnished Vermont with fair pretensions to extend her jurisdiction on grounds of similar policy and self-preservation.

The Convention then appointed a Committee to confer with the Legislature of Vermont at their next term, and adjourned to meet at Cornish (only three miles from Windsor, the place of session of the Legislature of Vermont, agreeable to adjournment) on the same day with them.

On February 10th, the Committee informed the Assembly, then sitting at Windsor, that "the Convention of the New Hampshire towns, was desirous of being united with Vermont, in one separate independent Government, upon such principles as should be mutually thought the most equitable and

beneficial to the whole." In consequence of this application, the Legislature resolved, on February 14th, that "in order to quiet the present disturbances on the two sides of the river (Connecticut) and the better to enable the inhabitants on the two sides of said river to defend their frontier, the Legislature of this State do lay a *jurisdictional claim*, to all the lands whatever east of Connecticut river, north of Massachusetts, west of the Mason line, and south of latitude 45°; and that they do not exercise jurisdiction for the time being."

The Convention of New Hampshire towns was then sitting at Cornish, on the opposite side of the river; and on February 22d, the articles of union were agreed upon and confirmed; nevertheless, the right of dissolving the union of the district was retained by the State of Vermont.

NOTE BY THE EDITOR.

Agreeably to adjournment, the Charlestown Convention, of Jan. 16th–18th, met at Cornish, N. H., Feb. 8, 1781, and immediately gave notice to the general assembly of Vermont, then in session at Windsor, requesting to be heard on the business of their appointment, and sending to the assembly the resolutions adopted by the convention at Charlestown. The assembly of Vermont, in Committee of the Whole, gave a hearing, adopted a report presented by a committee of their appointment, and then proceeded to form a union, on terms mutually acceded to by the assembly on the one part, and by the delegates to the convention at Cornish on the other. The report in full, and details of this procedure, are found in Slade's Ver. State Pap., pp. 128–138, and in Records of Gov. and Coun. Ver., Vol. II, pp. 287–297, to which readers are referred. No complete minutes or report of the convention in Cornish have been found by the editor; but the following items and facts, so far as related to New Hampshire, are gathered from authentic sources:

I.

Letter from Elisha Payne, Esq., to the General Assembly of Vermont.

To the Hon^ble^ the Gen^l^ Assembly of the State of Vermont now sitting at Windsor:

The Committee appointed by the Convention holden at Charlestown the 16th of Jan^y^ last to confer with the Assem-

bly of said State, beg leave to inform, That the Convention are desirous of being united with the State before mentioned in one separate independent government, upon such principles as shall be mutually thought the most equitable and beneficial for the whole,—desiring an answer as soon as may be.

ELISHA PAYNE.

Windsor, Feb^{y} 10th, 1781.

II.

Result of negotiations, or terms of Union.

The terms of Union as mutually agreed upon were in substance,* as follows: "That the Constitution of the State of Vermont, should remain unchanged, until it should be altered in the mode therein pointed out; that, as soon as circumstances would permit, the Legislature of the State, should apply to Congress, to be admitted into the Confederation; and that after such admission, Congress might determine questions of disputed boundaries; that the expenses and losses of the several towns on both sides of Connecticut river, occasioned by the war, should thereafter be equitably adjusted; that a general act of amnesty and oblivion should be passed by the Legislature, for all offences and acts of trespass committed against the authority of the State, by persons under a claim of being subjects of New York; and all suits, prosecutions and judgments against them, should be discharged and annulled. Other provisions, of less importance, were made, and it was agreed that the question of forming the union on such terms should be submitted to the several towns in the State of Vermont, and to the towns to about twenty miles east of Connecticut river; and that, if two-thirds of the towns, on each side of the river approved of the union, it should be considered as ratified and completed."†

On the 22^{d} of February 1781, the articles of union were mutually confirmed, by the Legislature of Vermont, and by

* Compare as above, Slade's State Pap. and Rec. of Gov. & Coun. Ver.—ED.

† See Hist. of Charlestown, p. 153.—ED.

the Convention, at Cornish: On the part of the latter the ratification was signed by

SAMUEL CHASE, Chairman.

The two bodies then adjourned to meet again in their respective places on the first Wednesday in April, 1781.

III.

Result of submitting the abovesaid terms of Union to the towns specified.[*]

At the adjourned meeting of the Convention, at Cornish, April 5th, 1781, the following communication was made to the General Assembly of Vermont, in session, at Windsor; viz.

"In Convention at Cornish, April 5th, 1781,

Voted. That a Committee of three be appointed to wait on the Assembly of Vermont, now sitting at Windsor, to inform them of the State of the returns from the towns on the east side of Connecticut river, and that the way is clear on our part for the proposed union, agreeable to the articles of the treaty, and to Request information whether the Assembly are ready to receive the members returned to sit in the Assembly, on the union's taking place. The Committee chosen—Colo Payne Mr. Woodward, and Doct. Page.

Extract from the Minutes—

BEZA. WOODWARD, Clerk."

List of Towns East of Connecticut River, which have made returns according to an Union with Vermont.

Hinsdale,	Surry,	Gilsom,	Alstead,
Charlestown,	Acworth,	Lemster,	Saville,
Claremont,	Newport,	Cornish,	Croydon,
Plainfield,	Grantham,	Marlow,	Lebanon,
Grafton,	Dresden,	Hanover,	Cardigan,
Lyme,	Dorchester,	Haverhill,	Landaff,
Gunthwait,	Lancaster,	Piermont,	Richmond,
Chesterfield,	Westmoreland,	Bath,	Lyman,
	Morristown (alias Franconia),		Lincoln.

[*] Rec. of Gov. & Coun. Ver., Vol. II, pp. 294-296.—ED.

The Convention have received no returns of any town dissenting.

ELISHA PAYNE
BEZA. WOODWARD } Committee."
WILLIAM PAGE.

The Several Representatives [of the Assembly] were desired to give in the votes of the towns that they represent concerning the union; and the following towns were found to have voted to accept the same agreeable to the articles, viz.

Shaftsbury,	Danby,	Moortown,	Reading,
Arlington,	Tinmouth,	Whitingham,	Thetford,
Sandgate,	Rutland,	Marlborough,	Strafford,
Sunderland,	Pittsford,	New Fane,	Barnard,
Dorset,	Bethel,	Wilmington,	Royalton,
Newport,	Pomfret,	Putney,	Sharon,
Pawlet,	Peacham,	Westminster,	Norwich,
Poultney,	Fairlee,	Athens,	Hinsdale,
Castleton,	Guilford,	Chester,	Windsor.

The following towns disapproved of the said unions taking place, viz.

Bennington,	Clarendon,	Londonderry,	Hertford.
Manchester,	Dummerston,	Woodstock,	

The following towns have not sent in their opinion, viz. Wells, Wallingford, Townshend, Weathersfield, Cavendish and Hartford.

The Assembly appointed a Committee of three to wait on the Convention, and inform them that the Union is agreed on by a major part of the towns in this State agreeable to the articles of Union as proposed; and that the Assembly will wait to receive the members returned to sit in the Assembly, on the Union's taking place, to-morrow morning at 9 o'clock. The Committee chosen, were Col. Ebenezer Walbridge, of Bennington, Stephen R. Bradley of Westminster and Matthew Lyon, of Arlington.

The following are the several members chosen to represent

the towns east of Connecticut river, who were introduced by the aforesaid Committee, and produced their Credentials and took the necessary oaths to qualify them to a seat in the House; viz.

[The list which follows is copied from Hist. of Charlestown,* p. 154.—Ed.]

Acworth,	John Duncan
Alstead,	Nathaniel S. Prentice, Esq.
Cardigan,	Sawyer Bullock
Charlestown,	Doct. Wm. Page Capt. Samuel Wetherbe
Chesterfield,	Capt. Samuel King Dea. Silas Thomson
Claremont,	Dea. Matthias Stone Capt. Oliver Ashley
Cornish,	William Ripley, Esq.
Croydon,	Moses Whipple
Dresden,	Bezaleel Woodward, Esq.
Enfield,	Bela Turner
Gilsum,	Ebenezer Dewey*
Grafton	Russell Mason
Gunthwaite	John Young
Hanover	Jonathan Freeman, Esq. Col. Jno. House
Haverhill,	Timothy Bedel, Esq. Maj. Joshua Howard
Hinsdale	Daniel Jones, Esq.
Landaff,	Absalom Peters.
Lebanon,	Col. Elisha Payne Lieut. Elihu Hyde
Lempster,	Elijah Frink
Lyman,	Nathan Hodges
Lyme	Jonathan Child Walter Fairfield
Marlow,	Samuel Canfield
Morristown and Bath	Col. Timothy Bedel.
New Grantham,	Capt. Abel Stevens
Newport,	Benjamin Giles, Esq.
New Stamford,	Israel Mead*
Orford,	Davenport Phelps Eben Fairfield
Piermont,	Thomas Russell, Esq.
Plainfield	Lieut. John Stevens Capt. Josiah Russell
Richmond	Silas Gaskill Daniel Cass
Saville,	Moses True.

* Those marked with an asterisk took their seats on a subsequent day of the session.

Surry,	Wolston Brockway
Walpole,	Lieut. John Graves*
Westmoreland,	Jonathan Cole.*

SECTION XI.

DISPUTED JURISDICTION.

Letter from President Weare to the Delegates of New Hampshire in Congress, relating to existing difficulties.

[Copied from Vol. II, Rec. Gov. & Coun. Ver., App. H., p. 309.]

Exeter, June 20th, 1781.

GENTLEMEN—Enclosed you have copies of three petitions from different towns in the County of Cheshire, by which you will see the embarrassed situation we are in, occasioned by the dispute relative to the New Hampshire Grants not being settled.

New Hampshire flattered herself that dispute would have been long since adjusted by Congress, and have been at great expense in sending agents to Philadelphia for that purpose. The amazing unexpected delay therein has been attended with the greatest mischief to the United States in general, and to the State of New Hampshire in particular. It has given an opportunity to many disaffected persons, who are the principal leaders in the disturbances, to do much injury, and who, it is said, and not without foundation, have entered into negotiation with the enemy. In short, New Hampshire is brought into such a dilemma, and the Government thrown into such confusion by this delay in Congress, that it is impossible for her to comply with the requisitions of Congress, to any great degree, while this dispute remains unsettled; and it is in vain for them to expect it of

* Those marked with an asterisk took their seats on a subsequent day of the session.

her, as no supplies of men, money or provision can be collected at present from more than ⅓rds even of that part of the State which lies east of Connecticut River, and unless Congress brings matters to an immediate issue, we cannot tell how far the contagion may run, but very much fear that the State will be very soon ruined in a great measure, and not able to contribute farther towards the war. Therefore you are directed to lay this dispatch before Congress as soon as may be, and earnestly request that they would immediately take the matter under consideration, and make a final decision thereon without any further delay, as it is of much greater consequence than can be described. I am, Gentlemen, your most humble servant.

Signed, M. WEARE.

Hon. Sam[l] Livermore
and John Sullivan, Esquires.

A true copy of the original, filed in the Secretary's office, Aug. 21, 1781.

GEO. BOND, Dep. Sec[y] of Congress.*

Letters from Gen. John Sullivan to Meshech Weare, on the foregoing matters.

[P. 207.] Philadelphia, July 10[th], 1781.

SIR—

Mr. Livermore and myself were honored with your Letter of the 20[th] June, with the Enclosures rec'd by yesterday's Post, which were immediately laid before Congress and refered to a Committee, with Directions to report as soon as possible: When the report is brought in & considered, we shall give you official Information. I expect the Result will be a prohibition to the pretended State of Vermont exercising any Jurisdiction East of the River, and an appointment of a Day for proceeding upon the Examination of the Dispute. This will end in the appointment of a Committee to Determine thereon. The Reason why this has not been sooner done is because there has not been a competent

* The foregoing letter, on the 9th of July, 1781, was referred to a committee of congress, consisting of Roger Sherman of Connecticut, Thomas McKean of Delaware, Daniel Carroll of Maryland, and James M. Varnum of Rhode Island.—ED.

BRARY
OF THE
UNIVERSITY
OF
CAL'FORN'A

Congress since last fall, untill within a few weeks past: I am every day more and more convinced of the Danger and impolicy of suffering the Question of the Independence of Vermont to come upon the Tapis; for if it should be de-
[P. 208.] nied, New York alone will receive the advantage, for the Reasons mentioned in my former Letter. But I apprehend that this would not be the case. I rather incline to think that the present members would make desperate struggles in favor of its Independence. I scarcely dare trust my thoughts on paper; but be assured, Sir, that the Policy of Vermont has induced them to make enormous Grants to men of *Influence* in several States, & even to members of Congress. Mr. Livermore & myself no doubt will concur in the proper plan, to avoid the danger arising from this & other Quarters. The only plausible argument in favor of determining the Question of Independency, is, that this is not simply a dispute between New York & New Hampshire; but between them and a people claiming to be Independent of both. The answer to this is simple & plain, viz. That New Hampshire & New York both by ancient and modern determinations join upon each other: Of course, no Independent State can possibly exist between them, & their claim of Independence can no more operate to alter the mode of Tryal pointed out in the Confederation, than if Massachusetts & New Hampshire both laid claim to the County of Essex, & the Inhabitants were to
[P. 209.] Declare themselves Independent of both: Here the first step should be to settle the Dispute between the States; & if it was determined to appertain to Mass[a] no other Question would be necessary. Besides, if we admit for a moment, the possibility of its being Independent, we declare it out of the union, & oust ourselves of any Jurisdiction, as we have nothing to do with more than thirteen States; a fourteenth would have a right to Deny the Jurisdiction of Congress, which it seems Vermont has already done. The safest ground therefore for New Hampshire, is to insist that there is no intermediate spot between New York & New Hampshire; & that as Congress have *Included* Vermont within the limits of the *Thirteen* United States, it must belong to some one of them; and, Therefore Congress ought to Determine to which,—agreeable to the rules Laid Down in the Confederation.

I confess myself astonished at the proceedings of Vermont, & more so at the conduct of the Inhabitants in our

Counties. I am unwilling to believe them Influenced by the British; but a variety of Circumstances have almost con- [p. 210.] firmed me in this opinion. I suppose what ever can be done here will be done in a week or fortnight at furthest. The Commissioners will no doubt meet at Springfield or Hartford, where the titles will be Discussed & the Right Determined. Of course my attendance here will be no longer necessary on that account. I wish therefore that Mr. Gilman may be directed to set out to relieve me immediately, as my Domestic concerns will oblige me to set out perhaps before his arrival. Should the state call on me to argue the cause before the Commissioners I shall attend with pleasure.

I have the honor to be, with the most perfect esteem, Dear Sir, your most obe^{t} serv^{t}

JNO. SULLIVAN.

Hon^{ble} Meshach Weare, Esq^{r}.

Philadelphia, 17th July, 1781.

SIR—The affair of Vermont is not yet decided. I expect by next post we shall be able to forward you the Result of Congress. I take the Liberty of enclosing you the paper of this day & have the honor to be,

with much esteem, D^{r} Sir, your most obed^{t} Serv^{t}

Hon^{ble} Meshach Weare, Esq^{r}.

JNO. SULLIVAN.

Letter from Col. Timothy Ellis to the Committee of Safety, New Hampshire.

[p. 213.] Keene, Aug^{t} 7, 1781.

GENTLEMEN—

I am informed that you have rec'd some late Intelligence from Gen^{l} Sullivan respecting the New Hampshire Grants—if it is any thing favourable to the friends of N. Hampshire, I wish it may be published & sent to us by the next Post: for we are in a very distressing and dangerous situation, and need every possible Encouragement & assistance to enable us to support the Rights of N. Hampshire against the rapacious claims of Vermont. They have, by a Resolve of their General Court appointed and authorized a Commit-

tee to take the Records of the Court of Common pleas in this County, and have order'd the Clerk to deliver them up for the use of (what they call) the County of Washington. They have laid a Tax of 10/ silver money upon every hun- [p. 215.] dred acres of our Land, and are making hasty Preparations to collect it. They have Commissioned Judges for their County Court, which is to be held in Keene the 14th day of August inst. and I suppose will proceed to do Business under Vermont, unless prevented by New Hampshire. In this critical Juncture, I have to ask your advice & Direction, and hope you will bear us in mind, and not forsake us in our Distress.

I am Gentlemen, with much Respect,
Your humble servant
TIMOTHY ELLIS.*

Resolves of Congress respecting a decision of the disputes relating to the New Hampshire Grants.

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

[p. 217.] AUGUST 7th, 1781:

Whereas the States of New Hampshire and New York have submitted to Congress the decision of the disputes between them and the people inhabiting the New Hampshire Grants on the west side of Connecticut river, called the State of Vermont, concerning their respective claims of jurisdiction over the said territory, and have been heard thereon; and whereas the people aforesaid claim and exercise the powers of a Sovereign independent State, and have requested to be admitted into the federal union of the United States of America; in order thereto and that they may have an opportunity to be heard in vindication of their said claim;

Resolved, That a Comtee of five be appointed to confer with such person or persons as may be appointed by the people residing on the New Hampshire Grants on the West side of Connecticut River, or by their representative body,

* Timothy Ellis was a prominent citizen of Keene. He was a member of the Provincial Congress at Exeter, 1775; appointed major in Col. Samuel Ashley's regiment, Aug. 24, 1775; representative in 1776–8. —ED.

[P. 218.] respecting their claim to be an independent State, and on what terms it may be proper to admit them into the federal Union of these States, in case the United States in Congress assembled shall determine to recognize their Independence: and thereof make report.

And it is hereby recommended to the people of the territory aforesaid or their representative body, to appoint an agent or agents to repair immediately to Philadelphia with full powers and instructions to confer with the said Committee on the matters aforesaid, and on behalf of the said people to agree upon and ratify terms & articles of Union and Confederation with the United States of America, in case they shall be admitted into the Union: And the said Committee are hereby instructed to give notice to the agents of the State of New Hampshire and New York to be present at the conference aforesaid.

Resolved, That in case Congress shall recognize the Independence of the said people of Vermont, they will consider all the lands belonging to New Hampshire and New [P. 219.] York respectively, without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the articles of Confederation, and that the United States will accordingly guaranty such lands and the jurisdiction over the same against any claims or incroachments from the inhabitants of Vermont aforesaid.

August 8th, 1781.

Congress proceeded to the election of a Com^tee of five to confer with such person or persons as may be appointed by the people residing on the New Hampshire Grants for the purposes mentioned in the foregoing resolutions. The members chosen,* Mr. Boudinot, Mr. Van Dyke, Mr. Carroll, Mr. Montgomery, Mr. Randolph.

Extract from the Minutes.

GEO. BOND, Dep^y Sec^y.

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* Elias Boudinot, of New Jersey, was a member of Congress, 1781–1784, and at one time president of that body.

Nicholas Van Dyke, of Delaware, a member	1777–1782
Daniel Carroll, of Maryland, a member	1780–1784
John Montgomery, of Pennsylvania, a member	1780–1784
Edmund Randolph, of Virginia, a member	1779–1782

—ED.

Letter from Samuel Livermore, delegate in Congress from New Hampshire, to Meshech Weare.*

[P. 221.] Philadelphia, Augst 21st, 1781.

DEAR SIR—

A Com^{tee} of Vermont has been here by an appointm^{t} in June, to unite their State with the United States, and to sit in Congress. They knew nothing of the resolution of the 7th Augst untill their arrival in this City. After sundry manouvres, Congress informed them by a Resolution yesterday, (Augst 20th) That it would be an indispensable preliminary to their Independence and being admitted into the union, that they relinquished all pretensions east of the west banks of Connecticut river, &c.

The committee will return home to consult their constituents.

The enclosed paper will give good news.

I am, Sir, your most obed^{t} Servant
SAMUEL LIVERMORE.

Hon. Presid^{t} Weare.

Letter from several inhabitants of Haverhill (Coos) to the Committee of Safety, N. H.

[P. 223.] To the Hon^{ble} the Committee of Safety of the State of N. Hamp^{s}:

GENTLEMEN—

Doubtless the State of Vermont is the subject of much conversation with you as well as in the other parts of the Continent;—but we are uncertain whether you have obtained some intelligence which we immagine of great importance: We take this opportunity to state a few facts for your consideration.

The State of Vermont (as it is called) has settled a carteel with the Enemy in Canada, & the unjust Basis upon which it is founded, gives us reason to believe that no authority but that of Vermont was privy to the same.

* For a biographical sketch of Samuel Livermore, see *ante*, page 37. —ED.

This new modled Carteel according to the best information we can get, allows the Brittish to receive a soldier for a citizen: this being the case, the inhabitants on our frontiers are bargained to the Enemy at a very cheap rate, & no doubt will be plundered, as it will be easier for the Enemy to obtain their prisoners by plundering the inhabitants, than by getting our soldiers by the fate of war.

Since this Carteel was settled, a proclamation has been issued, whereby not only all prisoners in the Country that have a mind to return to the Brittish, are encouraged to make the best of their way to Bennington; but that all those who have deserted into the country, should to the utmost of their power be apprehended & conveyed there in order to be exchanged. Many of the above are settled, and have taken up arms for the country, and are fast friends, but are carried off by force.

Two prisoners captured at Ticonderoga made their escape from the care of one Watson at Hartford, & on their way from Coos to Canada were taken up & sent back. But * * [Something appears to be missing from the letter, as it here closes.—Ed.]

[f. 224.] P. S. There have this instant come in, since the writing of the within, six Deserters from Canada, who declare that there was a report in Canada, that the inhabitants taken from Vermont & confined in gaol there, were to be exchanged for prisoners taken at the point of the sword; and that said Inhabitants nobly scorned so base a proposal, & said they had rather lay in Gaol a year longer than to be exchanged on such a footing; as it would open so wide a Door for the plundering the Inhabitants of the frontiers. So noble a spirit ought to raise a blush on the assumed authority of Vermont.

N. B. It would be agreeable that our names might not be exposed, before necessity may require it.

Memorial of sundry inhabitants of Chesterfield to the Council and House of Representatives, N. H., relating to the revolt of sundry towns.

Chesterfield, Augst 25, 1781.

[P. 225.] To the Honourable the Counsel & House of Representatives of the State of New Hampshire in General Assembly Conveaned:

The MEMORIAL of Nathaniel Bingham, Michael Cresey, Will^{m} Lee & James Robinson;—

GENTLEMEN—It is with the utmost Regret that we make mention of the Deplorable Situation into which we are fallen by the madness & folly of many of our People in these parts, in thinking to Revolt from the State of New Hampshire, in such an unjust & unrighteous a manner as has been attempted. Your honors are sensable that our Confution is great, & that it is very Dificult to know what to Do at a time of such Disorder. We know it has been commonly Reported that this Town has Refused all orders from the State of New-Hampshire, & that they are unanimous in the Revolt from you: Altho there is a considerable Number of faithful friends to you among us who have used their utmost Endeavours to Pacify the People, and to make them sensable of their folly in such Proceedings; but being so unhappy as to have the most of our town & Military officers on that side of the Question, were not able to stop their Proceedings as a town. Neverless, we have the happiness to inform your Honours that on a motion made to know how many of the Inhabitants Disapprove of the measures taken, Eighty of the Inhabitants, namely—

[P. 227.]

Nath^{l} Bingham,	Eben^{r} Safford,	Jon^{a} Farwell,
Mich^{l} Cressey,	Nathan Thomas,	Beng^{a} Farwell,
William Lee,	Josiah Hastings,	Will^{m} Read,
James Robinson,	Noah Emmons,	Amos Blodget,
Phineas Brown,	Jon^{a} Farr, 2^{d},	Levi Farwell,
Elisha Rockwood,	John Cobleigh,	Oliver Farwell,
Theodorus Bingham,	Oliver Brigham,	Will^{m} Farwell,
Will^{m} Symonds,	Jon^{a} Cressey,	Elisha Walton,
Tho^{s} Harris,	Jon^{a} Cressey, Jun.,	Sam^{l} Walker,
Tho^{s} Chamberlin,	Will^{m} Coburn,	Silas Richardson,
Sam^{l} Nichols,	Joseph Titus,	Josiah Gates,
Henry Cressey,	Eleazer Stoddard,	Philip Lock,
John Darling,	Peter Wheeler,	Eliphalet Wood,

Ezekiel Davis,	Lemuel Stoddard,	Abraham Stearns,
John Pierce,	Moses Cressey,	Abner Albee,
Jona. Hutchins,	Zadock Barrett,	Increase Daniels,
Arthur Latham,	Joseph Wheeler,	John Daniels,
Jacob Winslow,	Amos Streeter,	John Grandy,
Moses Gary,	Benj^{a} Wheeler,	Will^{m} Kimball,
Jewet Darling,	Claron Smith,	Benj^{a} Parker,
Will^{m} Dodge,	Isaac Barrett,	Adam Bartlet,
Ephr^{m} Russell,	Tho^{s} Holmes,	Zadock Bartlet,
Benj^{a} Coburn,	Moses Smith,	John Grandy, jun.,
Joseph Prentice,	Archibald Robertson,	Parker Grandy,
Abner Harris, jun.,	Will^{m} Robertson,	Eli Partridge,
Israel Johnson,	Joel Streeter,	Eleazer Jackson.
Andrew Hastings,	Joseph Hartwell,	

voluntarily signed the following declaration, declaring it to be their real Sentiments, viz.

That, Whereas it has bin Reported, that the People in Chesterfield are Unanimously agreed in the Union taking place Between the State of Vermont & the Grants on this side of the River, this is to acquaint the world, that we, whose Names are under written are of oppinion that the measures alReady taken are Illegal & unjust as they are conducted, & we are altogether against those measures, unless they are carried on with more general Satisfaction to the United States & to the State of Newhampshire in Particular, whose subjects we profess to be, till we are Legally set of by the United States.

Chesterfield, August 23^{d}, 1781.

And whereas there are many Illegal & unjust measures carrying on against the friends of Newhampshire & Safty to the State as we judge,—we are therefore at a loss to know what to Do; our Eyes are therefore unto you as our Patrons, Confiding Intirely in your wisdom to Direct us in our Duty. We therefore, beg your advice & Protection; & Conclude by subscribing ourselves your Loyal & affectionate subjects.

Nath^{l} Bingham
Michael Cresey
William Lee
James Robertson.

Chesterfield, August 25th, 1781.

Proceedings of a meeting of Persons from ten Towns in Cheshire County, held at Keene, Sept. 21, 1781.

[P. 229.] At a meeting of sundry Persons from ten of the Towns in the County of Cheshire on the New Hampshire Grants East of Connecticut river, at Keen, y^e^ 21^st^ of September, 1781, viz. Keen, Swanzey, Richmond, Winchester, Chesterfield, Westmoreland, Walpole, Surry, Gilsom and Alstead: Benjamin Bellows, Esq^r^ in the Chair. After mature and deliberate consideration of the Disturbances and confusion which have arisen on account of the right of Jurisdiction over said Grants; It was very unanimously agreed by the persons convened as aforesaid, that some person be appointed to wait on the Hon^ble^ Committee of Safety at Exeter, as soon as Possible, and to lay before them the State of this County respecting the aforesaid dispute, and in particular that those persons who adhere to the late unhappy union of the New Hampshire Grants, are either Ignorantly or Willfully blinded, in regard to the construction they put upon the Resolves of the Hon^ble^ Congress of the 7^th^ & 8^th^ of August last, which serves in some Towns to confirm some Persons, who are for the Union, in their former opinion, and some who were not fully Established, have (by some means or other, since the said Resolve became Publick) consented to the union; and some who are attached to New Hampshire, say the Congress have not determined whether we shall belong to Vermont or not; that the difficulties in this Quarter are rather likely to be increased than diminished by what is already done to re-
[P. 230.] move the same. It was also agreed that the Hon^ble^ Committee of Safety be requested (if they think proper) to send printed copies of the aforesaid Resolves to the several towns upon the Grants East of Connecticut River, at least to those in the County of Cheshire, with their explanation, advice, &c., and that they acquaint Congress with the aforesaid Premises, if they shall think it advisable.

The above was unanimously Voted.

Voted, That Capt. Burt* be impowered to wait upon the Committee of Safety with the above Proceedings.

Benj^a^ Bellows, Chairman.

To the Hon^ble^ Committee of Safety at Exeter.

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* Capt. Joseph Burt was of Westmoreland. He was representative

Letter from Samuel Livermore to Meshech Weare.

[P. 233.] Philadelphia, Octo. 2d, 1781.

DEAR SIR—

I am informed that a Comtee of our house and Council have proceeded to Connecticut river to treat with the people concerning their attachmt to Vermont, or something to that effect. I did not hear the names of the Comtee.* However, I hope the measure will be attended with good consequences. That Comtee will doubtless be returned before this reaches you. I should be glad to be immediately informed of the result of their proceedings: As it may relate to the subject before Congress, and strongly influence their resolutions. Tis probable the Comtee of Vermont will be here before the last of Octo. for a final decision of their affair. I am very anxious to get this matter settled and to return home. I shall presume the State will not be against my returning when this business is finished. I long to see the County of Grafton Active and our whole internal policy settled.

I am, Sir, your most obedient
humble servant
SAMUEL LIVERMORE.

Hon. President Weare.

Memorial of John Clark, of Landaff, to the Committee of Safety, N. H. giving an account of the hardships, insults, and losses he had sustained from certain ringleaders of the "pretended State of Vermont," &c.

[P. 235.] TO THE HONble COMMITTEE OF SAFETY FOR THE STATE OF NEW HAMPSHIRE—

The MEMORIAL of John Clark, of the Township of Landaff, in the County of Grafton and State aforesaid,—humbly *sheweth*:—

That the memorialist was one of the first settlers in said

from that town to the General Assembly, New Hampshire, 1778, 1779, 1780.—ED.

* See *ante*, p. 406.—ED.

Landaff, where he hath, in opposition to wheedlings, flatteries, promises, frowns, threats, insults, and every other conceivable machination, invariably, to the utmost of his ability, endeavored to support the common cause of these United States under the Government, and agreeable to the Laws of the State of New Hampshire.

That notwithstanding the many difficulties usually occurring in the settlement of new plantations, and the peculiar embarrassments which have hitherto attended the settlement of said Township, the memorialist hath, by his industry, at great fatigue and expense acquired considerable property, a peaceable enjoyment of which would afford a comfortable prospect for the subsistence of a numerous family and dependents; and enable him to aid others in the further settlement of that new country, and to contribute somewhat for the support of the public cause.

That the variety of hardships, insults and losses, which the ringleaders of the pretended State of Vermont, by usurping and exercising jurisdiction over the inhabitants of a number of Towns in that part of the State of New Hampshire, which lies adjoining on the east of Connecticutt River, have driven many of the good and peaceable citizens of those Towns to sustain, on account of their inflexible attachment to the Laws and government of the State of New Hampshire, and the strategems practised by those ringleaders and their emissaries, to alienate the affections of honest and well meaning subjects of said State of New Hampshire; to induce them to renounce their allegiance, and to strengthen the bonds of faction; being matters of such notoriety, your memorialist humbly conceives the hon^ble^ Committee would esteem a rehearsal of them altogether needless. However, the memorialist cannot think himself censurable, when he begs leave just to observe, that the sentiments of the good people in many of those unhappy Towns, cannot be determined by the votes in their Town-meetings, as none are allowed to vote but such as solemnly renounce all dependence on, or political connection with, the State of New Hampshire, and take an oath to support the government and laws of said Vermont; so that ten men having received the *sop*, will carry on the business of the meeting, when perhaps three times that number who have not the mark of the ——— and from

principle cannot join the faction, are obliged to stand mute:—and in cases where a large minority, if allowed a suffrage, would appear in the negative, the proceedings are entered unanimous; by means whereof most of the Town officers chosen at such meetings are from among those who are aliens from the commonwealth of New Hampshire, and who endeavor by every possible means to prevent the knowledge and execution of the Laws of New Hampshire, among the people.

[P. 236.] That the memorialist and others have patiently endured suffering, persecutions & new-coined insults and indignities, not to be described, firmly relying, that the authority and government of the State of New Hampshire, would not suffer the State to be dismembered, her authority trampled on, the laws contemned, or her devoted citizens to perish under the tyranny of faction, for want of her succour, and the due execution of her Laws: And what has added much to the confidence of the unhappy sufferers hath been the spirited and unequivocal resolves of the General Assembly of said State, especially that passed on the 20th of June last, viz. "That this State will exert themselves to preserve their jurisdiction unimpaired, and to "give effectual speedy support, protection, and succour to "the faithful and distressed subjects thereof."

That the memorialist flatters himself, both he and his fellow-sufferers, have some idea of the complicated and almost invincible embarrassments, which have hitherto attended the due execution of the laws in the County of Grafton, for the protection of its inhabitants; but as the oppression of those usurpers hath arrived to such a height, your Honors candor will forbid attributing it to a petulant disposition in the memorialist, or his want of confidence in the authority of the State, when he assures your Honors he can no longer endure the torture of such accumulated distress.

That on the morning of the 29th of September last at Landaff aforesaid, your memorialist being in the peace of God and the good people of the State, about his lawful employment, travelling in the public road from his house to a remote part of his farm, when on a sudden, he saw a banditti of about a dozen men, armed with guns and other offensive weapons, gathered in a riotous manner, near a

barn in the possession of one Samuel Titus; when one of the ringleaders in the riot, stepped forth from among the rest, and seized the horse on which your memorialist was riding, and commanded the memorialist forthwith to join in the riot, to turn John Cressey, John Cressey jun, and families out of their houses, to perish in the wilderness; but the memorialist obstinately refused to comply;—and after some words had passed, it was proposed and voted by the rabble, that the memorialist should be confined: Whereupon, Eleazer Wheelock, James Wheelock, Ebenezer Cleveland, Absalom Peters, Asa Bayley and others, immediately, with force and arms in a high-handed riotous manner, made a violent assault on the body of your memorialist, and made great efforts to bind him on his horse. By this time the *mob* was in a tumult—some accusing the memorialist of speaking against the rioters, and saying that he would oppose their lawless proceedings; others that he was against the authority of Vermont; and others that he was an enemy to the College Party:—while some were pulling the horse by the bridle, others whipping, some yelling, others firing guns: thus in triumph they carried off the unhappy victim of their malice; And after carrying the memorialist about in manner aforesaid, with threats, insults and abuses from place to place, till near the setting of the sun, when the said Eleazer Wheelock, with some other of the rioters, seized violently on the Body of the memorialist, and by force drag'd him toward the house of one Noyce, who was among the gang, whereby the memorialist was most grievously injured both in body and mind.

That the said rioters then, and at divers other times, before & since uttered and declared such threatening and menacing words and speeches, of, and concerning the memorialist, as that he is in great anxiety of mind about the present unsafe situation of his person, family and property; and unless some speedy and effectual measures are [P. 237.] adopted for their relief, he, with many others have the gloomy prospect of being driven to the sad alternative of submitting to the mandates of a lawless banditti, on the one hand; or on the other, forsaking their dear-earned habitations, to seek an asylum.

Your memorialist begs leave further to suggest as his opinion, that most of the political difficulties subsisting in

the counties of Cheshire and Grafton, originate from the machinations of certain subtil tories, joined by those who have y^e^ conducting of the Indian School at Hanover, and their emissaries, to promote the views of British administration, rather than any attachment they have to support the pretended State of Vermont.

Wherefore your memorialist in behalf of himself and his fellow sufferers, humbly prays the interposition of the Hon^ble^ Committee, that you will take the premises under your wise consideration, and issue orders to such officers in said County of Grafton, as are willing to exercise the powers of their respective offices, which they now hold under the State of New Hampshire, to exert the same in protecting those who conduct themselves as good subjects of said State, in their persons and property, from the insults and abuses of Mobs, riots or lawless individuals, and from the execution of any Laws, or the exercise of any other authority, than that which is under the government and people of the State of New Hampshire;—or relieve the memorialist and others in such way and manner as your Honors in great wisdom, shall judge most conducive to the public tranquillity.

And your memorialist, as in duty bound, shall ever pray.

JOHN CLARK.

Exeter, 12^th^ of October 1781.

Petition of sundry inhabitants of Landaff for aid and protection, &c.

[P. 239.] Landaff, October 3, 1781.

WE, the inhabitants of the s^d^ Landaff, having a Laudebel atachment to the State of Newhampshier and Likwise to the thirteen united States of America; and as We live wheir Vermont claims Jurisdiction have Received so many insults from that Quarter and are Now in very grate fear of Being insulted by them, and Especilly from the Emesseries of the Colledg Do humbly Petition to the Honourable Court of Newhampshire for ade and Protection Against the insults and abuses of the Vermont and especily the Emes-

erres of the Coledg Which your Pititioners, in Duty bound shal ever Pray.

JOHN CLARK, jun
JOHN CLARK
JAMES CRISSY
EBENEZER CLARK
JONATHAN CLARK
WILLIAM CHURCHEL
NATHANIEL RIX.

Action taken on the memorial of John Clark.

[Copied from Correspondence of Com. of Safety, p. 103.]

State of New Hampshire } In Committee of Safety Oct° 19th 1781.

Sir—By a memorial of Mr. John Clarks of the 12 Instant and his Verbal representation to us made we are informed that he has been proceeded against by sundry persons in a riotous & unconstitutional manner.—As the Courts have not been open of late in the County of Grafton, the necessary steps of the Law respecting this matter cannot be taken at present.—Our General Court are to meet on the first Wednesday of November next, when (without doubt) they will give necessary directions for opening the Courts &c—In the mean time, if any riotous proceedures should be attempted, you are requested to give relief & assistance to any of the Inhabitants of this State on whom such attempts may be made, and apprehend such Rioters & confine them in your County or in case that cannot be done in safety send them to any other County in this State for safekeeping—Your giving a representation of this or any other matters of the like kind that may happen to the General Court at their next session, may perhaps be very beneficial to the State.

Col° Charles Johnston.
Copy
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Report of a Committee of Congress, to whom was referred certain papers relative to New Hampshire, Oct. 17, 1781.

[P. 241] The Committee to whom was referred the report of a Com^tee on certain Letters & Papers relative to the people inhabiting the district of Country commonly known by the Name of the New Hampshire Grants, do report the following resolution, to be adopted by Congress:

Congress having resolved on the 7^th day of August last, that in case they should recognize the Independence of the people of Vermont, they would consider all the Lands belonging to New Hampshire & New York respectively, lying without the limits of Vermont afs^d, as coming within the mutual Guarantee of Territory contained in the Articles of Confederation; and that the United States will accordingly guarantee such Lands and the jurisdiction over the same, against any claims or Incroachments from the Inhabitants of Vermont aforesaid.

And Congress having on the 20^th day of the same month required (as an indispensable preliminary to the recognition of the Independence of the people inhabiting the Territory af^d, and their admission into the federal union) the explicit Relinquishment of all demands of Lands or Jurisdiction on the East side of the West Bank of Connecticut River, and on the west side of a line beginning at the North west corner of the State of Massachusetts, thence running twenty miles East of Hudson's River, so far as the said River runs North Easterly, in its general Course; thence by the West bounds of the Townships granted by the late Government of New Hampshire, to the River running from South Bay to Lake Champlain; thence along the said River to Lake Champlain; thence along the waters of Lake Champlain to the latitude of forty five degrees north, excepting a neck of Land between Missiskoy Bay and the waters of Lake Champlain.

And the People inhabiting the Territory aforesaid, not having as yet made the relinquishment af^d as above required, and attempting since the date of the above Resolutions to extend & establish their Jurisdiction over part of the Lands guaranteed to the States of New York & N. Hampshire as abovesaid; and it being indispensably necessary

to bring all disputes respecting the Jurisdiction of the peo-
[P. 242.] ple residing within the territory af^{sd} to a speedy issue:

Resolved, That the district of Territory commonly known by the name of the New Hampshire Grants, by whatever name it may be called is, and shall be bounded Westward by a line beginning at the North West corner of the State of Massa^{s}, thence running northward twenty miles East of Hudson's River so far as the s^{d} River runs North Easterly in its general Course; thence to the west boundary line of the townships granted by the late Government of N. Hampshire; thence Northward along the s^{d} West boundary line to the River running from South Bay to Lake Champlain; thence along the s^{d} River to Lake Champlain; thence along the waters of Lake Champlain to Latitude forty-five Degrees north, including a Neck of Land between the Missiskoy Bay and the waters of Lake Champlain; thence it shall be bounded North by latitude forty-five Degrees North and Eastward by the West Bank of Connecticut River from forty-five Degrees north to the Northern Boundary line of the State of Massa^{s}, and southward by the s^{d} northern boundary of the State of Massa^{s} from the s^{d} west Bank of Connecticut River to the North west corner of Massachu^{s} abovementioned.

Resolved, That in case the inhabitants residing within the limits af^{sd} within one Kalendar month from the delivery of a Certified Copy of these Resolutions, by the Commissioners herein after mentioned, to Thomas Chittenden, Esq. of the Town of Bennington within the limits af^{sd}, or from the time of the said Commis^{rs} leaving such certified Copy at the usual place of residence of the s^{d} Tho^{s} Chittenden, Esq^{r}, shall by some authenticated Act recognize the last above described boundaries to be the limits and extent of their claims both of Jurisdiction & Territory, and shall accede to the Articles of Confederation and perpetual union between the States of New Hampshire, Massachu^{s}, R. Island & Providence plantations, Connecticut, New York, New Jersey, Pennsyl^{a}, Delaware, Maryland, Virginia, N.
[P. 243.] Carolina, S. Carolina & Georgia, as agreed to in Congress on the 15th day of November 1777, and shall thereupon appoint Delegates on their behalf with full powers, Instructions and positive orders, immediately to repair

to Congress, and to sign the s[d] articles of Confederation, and afterwards to represent them in the U. S. in Congress af[d]—their said delegates shall be admitted to sign the same and thereupon the Inhabitants of the above described District shall be acknowledged a free, sovereign and Independent State, by whatsoever name they shall choose to be called, and shall be considered as a component part of the federal Union and entitled to the advantages thereof.

Resolved, That in case the s[d] Inhabitants within the above described District, do not desist from attempting to exercise Jurisdiction over the lands guaranteed to New Hampshire & New York as af[d], and shall not within the time limited as af[d] comply with the terms specified in the foregoing Resolutions, Congress will consider such neglect or refusal as a manifest indication of designs hostile to these U. S., and that all the pretentions and applications of the s[d] inhabitants heretofore made for admission into the federal Union, were fallacious and delusive; and that thereupon the forces of these States shall be employed against the said Inhabitants within the district afor[d] accordingly. And Congress will consider all the lands within said territory to the Eastward of a Line drawn along the summit of a ridge of mountains or heighth of Land extending from South to North thro'out the s[d] Territory between Connecticut River on the East & Hudson River & Lake Champlain on the West, as guaranteed to New Hampshire under the articles of Confederation; And all the Lands within said Territory, to the westward of said Line, as guaranteed to New York, under the articles of Confeder-
[P. 244] ation, provided always, That Congress will consider any other partition which shall hereafter by an agreement between the Legislatures of New Hampshire & N. York, be made between their respective States concerning the Territory af[d], as guaranteed to them according to such agreement; saving, in either case, all rights accruing to the State of Massachu[s] or any other State under the Articles of Confederation afs[d], and provided always that for the more effectually quieting the minds of the inhabitants afs[d], the s[d] States of N. Hampshire & N. York respectively, shall pass Acts of Indemnity & oblivion in favour of all such persons as have at any time previous to the passing such acts, acted under y[e] authority of Vermont so called, in any manner whatsoever, upon such persons submitting

to the jurisdiction of s[d] States respectively; and provided always, that the s[d] States of New York & New Hampshire respectively, do pass acts confirming & establishing the Titles of all Persons whatever, to such Lands as they do now actually occupy & possess within the limits of the District afs[d], under whatever Title the same may be held, either from N. York, N. Hampshire or Vermont so called; and also for confirming & establishing the Titles of all persons whatever, to such lands within the district afs[d] as they may be entitled to under Grants from N. York, New Hampshire or Vermont so called, according to the priority of such Grants in point of time, excepting in such cases where the Lands are in the actual occupancy & possession of the claimants, as mentioned in the proviso above said. But inasmuch as some persons claiming in right of grants made under the authority of the district or Territories called Vermont, and not actually occupying the same may be deprived thereof by the interference of other prior grants ;—

Resolved, That in case the partition afs[d] shall take place, any person claiming, and deprived as afs[d], his or her assignee or representative shall receive full compensation in [P. 245.] lands or otherwise to be provided by Congress.

Resolved, That it be, and it is hereby earnestly recommended to the States of New Hampshire & New York respectively, to pass acts of oblivion & Indemnity in favour of all such persons residing without the limits of the district above Described, who shall heretofore have taken part with the Inhabitants residing within the same against the Governments of either of those States, upon such persons quietly and peaceably submitting themselves to the Government & Jurisdiction of such State respectively, to which they belong.

Resolved, That in case of the neglect or refusal of the Inhabitants residing within the District afs[d], to comply with the terms prescribed in the resolutions afs[d], That the Commander-in-chief of the Armies of the U. S. do without delay or further order, carry these Resolutions as far as they respect his Department into full Execution.

Resolved, That a Commis[r] be appointed on the part of these U. S. whose duty it shall be, immediately to repair to the District afs[d], and deliver a certified copy of these

Resolutions to Thomas Chittenden, Esq. of the Town of Bennington afs^d, or leave such copy at his usual place of Residence, & also to enforce on the Inhabitants of the s^d District the necessity of their complying without delay, with the Terms above prescribed by Congress, or submitting themselves peaceably to the Jurisdiction of the States of New Hampshire & New York, agreeably to the above Resolutions.

[Date affixed by J. Farmer, Oct. 17, 1781.]

Report of the Council and Assembly of Vermont, in Committee of the Whole, on the Report of the Vermont Delegates to Congress, Oct. 16–19, 1781.

[P. 247.] STATE OF VERMONT.

Charlestown 16^th^ October, 1781.

The Governor and Council having joined the General Assembly in a Committee of the whole, to take into consideration the report of the honorable Jonas Fay, Ira Allen and Bezaleel Woodward, Esquires, who were appointed by the legislature of this State, in the month of June last, to repair to the American Congress, with powers, to propose to, and receive from them, terms for an Union of this, ... with the United States, &c.

His Excellency, Thomas Chittenden, Esq^r. in the chair; The said agents laid before the Committee the following Papers, which were read by the Secretary, in their order, viz.

1^st^ & 2^d^ A Copy of their letter to the President of Congress, of the 14^th^ of August last, inclosing a duplicate of their Commission.

3^d^ The Resolutions of Congress of the 7^th^ and 8^th^ of August last.

4^th^ Brigadier General Bellows and Associates petition to New Hampshire, 25^th^ May, 1781.

5^th^ Petition of the Select-men of Swanzey, to New Hampshire, June 9^th^, 1781.

6^th^ Hon^ble^ Meshech Weare Esq^rs^ Letter, to be laid before Congress, dated 20^th^ June, 1781.

7th Messrs Duane and Ezra L' Hommedieu's Memorial and prayer to Congress, of the third day of August, 1781; together with Ira Allen and Stephen R. Bradley, Esqrs Remonstrance to Congress, dated September 22d, 1780.

8th Resolve of Congress, dated 17th August 1781.

9th Written Proposals to Committee of Congress, dated August 18th, 1781.

[P. 248.] 10th Questions proposed to the Agents of Vermont, by the Committee of Congress, August 18th, 1781.

11th The foregoing Questions, with the Answers annexed.

12th Resolutions of Congress, of the 20th of August, 1781.

The further Consideration of the report being referred, Adjourned, till tomorrow morning 9 o'clock.

October 17th Met according to adjournment.

The Committee proceeded to the consideration of the Resolutions of Congress, of the 20th day of August aforesaid, and other Papers mentioned in the report of said agents, and after some time spent thereon:

Resolved, That in the opinion of this Committee the Legislature cannot comply with the Resolutions last referred to, without destroying the foundation of the present universal Harmony and agreement, that subsists in this State, and a violation of Solemn Compact, entered into by Articles of Union and Confederation.

The further consideration of the report being postponed, Adjourned to 9 o'clock, tomorrow morning.

October 18th. The Committee having resumed the further consideration of the said report,

Resolved, That inasmuch as the Resolutions of Congress of the 7th and 20th of August last, did by no means comport with, but entirely preclude any Propositions made by our agents, it is therefore the opinion of this Committee, that the Propositions made by our Agents to the Committee of Congress on the 18th of August last, ought not, in future, to be considered as binding, on the part of Vermont.

Resolved, That it be, and is hereby recommended to the [P. 249.] Legislature of this State, that their thanks be

returned to their honorable Agents, for their good services in behalf of this State, on the Business of their late mission to the Congress of the United States of America.

And this Committee recommend to the Legislature of this State to remain firm in the principles on which the State of Vermont first assumed Government, and to hold the Articles of Union which connect each part of the State with the other inviolate: and for the further information and satisfaction of the honorable the Congress, and the world, do recommend to the Legislature to publish the following Articles, which respect the admission of Vermont into the federal Union, viz.

Art. 1st. "That the Independence of the State of Vermont be held sacred, and that no member of the Legislature shall give his vote or otherwise use his endeavors, to obtain any Act or Resolution of Assembly, that shall endanger the Existence, Independence and well-being of said State, by referring its independency to the arbitrament of any power."

Art. 2d "That whenever this State becomes united with the American States, and there shall then be any disputes between this and any of the United States respecting boundary Lines; the Legislature of the State of Vermont, will then, (as they have ever proposed) submit to Congress, or such other tribunal as may be mutually agreed upon, for the settlement of any such disputes."

And that the impartial world may be fully convinced of the good and laudable disposition of Vermont, and of her readiness to comply with any reasonable proposal for the adjustment of the disputes respecting boundary Lines, between this and the neighboring States of New Hampshire and New York, this Committee further recommend to the Legislature, to make the following Proposals to the said [p. 250.] States of New Hampshire and New York, respectively:—

That, whereas disputes have arisen between the States of New Hampshire and Vermont relative to Jurisdictional boundary Lines &c;—the Legislature of Vermont being willing and desirous, as much as in them lies, to promote unity and good accord between the two States, do propose to the State of New Hampshire, that all matters relating to

the aforesaid dispute, shall be submitted to five or more judicious, unprejudiced persons, who shall be mutually agreed on, elected and chosen by a Committee of Legislature, on the part of each State respectively; and that the States of New Hampshire and Vermont, do pledge their faith, each to the other, that the Decision had, by the persons so elected, being made up in writing, signed by the President of such Commissioners, and delivered to the Secretary of each State respectively, shall be held sacredly binding on each of the said States of New Hampshire and Vermont, for ever. And, that Proposals of the same Tenor, be also made to the Legislature of New York.

And the Committee do further recommend that nine persons be elected Commissioners by the Legislature on the part of Vermont, to treat with Commissioners to be elected on the part of New Hampshire and New York respectively, for the adjusting the aforesaid jurisdictional boundary Lines; and that they be commissioned by his Excellency the Governor, and the faith of this State be by him pledged, on behalf of the State, that the Decision thus had, shall in future be held as sacredly binding, on the part of Vermont.

This Committee further recommend to the Legislature that the Proceedings of this Committee be officially transmitted to the Congress of the United States; and that they be enclosed in a Letter, under the signature of his Excellency [P. 251.] the Governor, and directed to the President of Congress.

And this Committee do further advise the Legislature to recommend to the authority, in every part of the State, to remain firm in the support of Government, and the punctual Executions of the Laws, notwithstanding the various measures taken to create Divisions and Discord.

The Commissioners chosen for the above Purpose, Phineas Whiteside, Gideon Warren, Joseph Caldwell Esq^rs the hon^ble Elisha Payne and Daniel Jones, Esq^r, Ezra Styles, Esq^r, the hon^ble Jonas Fay, Ira Allen and Peter Olcott, Esq^rs.

Resolved, That it be an Instruction to the said Commissioners, that they prepare and make the necessary defence in the Premises; and that they introduce the said matters

to New Hampshire and New York, in such way, as to them shall appear best.

10th October 1781.

Voted, that this Committee be dissolved.

Beza. Woodward, Clk. of Committee.

State of Vermont.

In General Assembly, Charlestown Oct^r 10th, 1781.

The aforesaid report being read, and the Question being put, it was *unanimously* approved and accepted.

Attest— Roswell Hopkins, Clerk.

In Council, 19th October, 1781.

Read and Concurred.

Attest, Joseph Fay, Sec'ry.

30th October 1781. The preceding is a true Copy of an act of the Legislature of the State of Vermont, lodged in the Secretary's Office of the said State.

Micah Townsend, Sec'ry.

Summons to Daniel Shattuck, &c.

[p. 253.] State of Vermont } To the Constable of the Town
Washington, ss. } of Hinsdale in s^d County,
Greeting :—

In the name and by the authority of the freemen of the State of Vermont, you are hereby commanded to summon Daniel Shattuck of Hinsdale, in our said County of Washington, to appear before the adjourned County Courts, to be holden at Charlestown on the last Tuesday of November, next, then and thear to answer to William Page of Charlestown in said county, in a Plea of debt, for that Shattuck at Charlestown aforesaid on the Tenth day of August last By his writing obligatory, sealed with his Seal and in Court to be produced Bound himself to s^d Page in the sum of Fifty Pounds Lawful Money of s^d State to be paid to s^d Page on Demand yet the said Shattuck tho' Requested hath not paid the same But Detains it to the Damage of the s^d Page as he

saith the sum of Eighty Pounds for the Recovery of which with Just Costs he brings this Suit.

Hereof fail not and Make Return according to Law. Dated at Charlestown this twenty second Day of October A D 1781.

(Coppey) PELEG SPRAGUE, Clark.

Elisha Payne to Mesheech Weare, transmitting Resolutions, &c., relating to Commissioners.

[P. 255.] Charlestown, October 27th, 1781.

SIR—

The Commissioners appointed by the State of Vermont to negotiate and compleat the settlement of the boundary lines between that State and the States of New Hampshire and New York respectively, agreeable to the resolutions of the Legislature of Vermont, beg leave herewith to transmit those resolutions, together with a duplicate of their commission, for the consideration of the Legislature of New Hampshire.

The Commissioners are ready to attend the business of their appointment, whenever they shall receive an answer in the premises.

In behalf of the Commissioners,
I am, Sir,
Your most obedient Humbl Servant,
ELISHA PAYNE.

The Honble Mesheech Weare, Esq.
President Council N. Hampshire.

[P. 257.] *Commission to Commissioners of Vermont, for the settlement of boundary lines, &c.* [Copy.]

His Excellency

THOMAS CHITTENDEN, Esq.

Captain General, Governor, and Commander in Chief in and over the

State of VERMONT,

To the Honorable ELISHA PAYNE, JONAS FAY, IRA ALLEN, and PETER OLCOTT Esq^rs DANIEL JONES, Esq Colonel GIDEON WARREN, PHINEAS WHITESIDE, Esq. Colonel JOSEPH CALDWELL and EZRA STILES, Esq., Greeting.

Agreable to a Resolution of the Governor, Council and House of Assembly, at their Session held at Charlestown, this Instant October, appointing you Commissioners for and in behalf of the State of Vermont, to enter upon a Negociation for the Settlement and Adjustment of the Boundary Lines, as well between the State of NEW HAMPSHIRE and VERMONT as between the State of NEW YORK and VERMONT, agreable to your Directions contained in the Resolution aforesaid :—

THESE ARE THEREFORE, in the Name and by the Authority of the Freemen of the State of Vermont, to authorize and amply empower you, the said Elisha Payne, Jonas Fay, Ira Allen, Peter Olcott, Daniel Jones, Gideon Warren, Phineas Whiteside, Joseph Caldwell and Ezra Stiles, or any five of you the said Commissioners, to compleat and to carry into Execution the Negotiation and Settlement of the said Boundary Lines of Jurisdiction between the said States of New Hampshire and New York with the said State of Vermont, respectively, agreable to said Resolutions.

AND I DO HEREBY PLEDGE THE FAITH of the said State of Vermont, that the determinations had in the Premises shall be held sacredly binding on the part of VERMONT.

IN TESTIMONY whereof, I have hereunto set my hand and caused the Seal of this State to be affixed, In Council, this 27^th^ Day of October, Anno Domini, one thousand seven

Hundred & Eighty one, and in the 5th year of the Independence of this State.

THO^{S} CHITTENDEN.

By his Excellency's command,
Tho' Tolman, Dep. Sec^{y}.

Proclamation of Thomas Chittenden for a day of Public Thanksgiving.

[P. 259.] By his Excellency THOMAS CHITTENDEN, Esquire, Captain General, Governor and Commander-in-Chief, in and over the State of Vermont:

A PROCLAMATION.

It having pleased the Supreme Governor of the Universe, in the course of his holy & righteous Providence, to give us, his people, reason to rejoice and give thanks in the midst of his heavy Judgments, with which we are justly afflicted; we are under the strongest obligations to devote our lives to his glory, & with due acknowledgment to render praise to his Name.

I have, therefore, thought fit, by & with the advice of the Council, & at the request of the General Assembly of this State, to appoint, and I do hereby appoint, Thursday, y^{e} sixth day of December next, to be observed & kept as a day of Public Thanksgiving and Praise to Almighty God: And I do hereby call upon, & strictly require all persons residing within this State of every Denomination, carefully to observe & keep s^{d} Day; that we may with united hearts & voices gratefully acknowledge the beneficence and goodness of JEHOVAH, in the repeated Tokens of his mercy towards us; That he has preserved so many of our lives the year past, and been graciously pleased to defend our frontier settlements, in the midst of a calamitous War, and in so singular a manner granted success to the American arms, and their Allies in every part, both by sea and land; That he has been pleased to direct our Councils and bless the Administration of Civil Government in this State; and preserved so much unity and peace amongst us; That he has blest so many of us with health and safety in our dwellings; That notwithstanding our sinfull provocations,

we are yet favored with a preached Gospel, which manifest that he is yet waiting to be gracious unto us; That he has smiled upon and Blessed the Labours of our hands, and given us so fruitful a season with plentiful Harvest; That he has filled our Hearts with Joy and Gladness, and crowned the year with his Loving kindness and Tender mercies.

At the same time Humbly implore the Divine favor, that God in his mercy would continue those blessings we injoy, and in his own time avert his heavy Judgments, and grant Peace to this Land; That he would turn us from our evil ways and cause pure and undefiled Religion to revive and flourish throughout this Land; The Gospel run and be Glorified; That he would raise up and send forth faithful labourers into his harvest; That the many Destitute Congregations may be supplied with faithful ministers of Jesus Christ; That in Due time the Just Cause of this State may be fully acknowledged, when our Enemies shall be confounded, when iniquity shall hide its Head, and all Nations be at Peace, and the whole Earth Filled with his Glory.

And all servile labour is forbidden on said Day.

Given under my hand, in Council at Charlestown, this 27th Day of October, in the fifth year of our Independence, A. D. 1781.

THOMAS CHITTENDEN.

GOD SAVE THE PEOPLE.

A true copy;—Attest, Thomas Fisher.

SECTION XII.

COLLISION IN BORDER TOWNS.

NOTE BY THE EDITOR.

The long and as yet unsettled dispute respecting territorial jurisdiction, between New Hampshire and Vermont, had by this time reached such a pitch as to bring the divided inhabitants in border towns into

direct collision. The facts relating to these disastrous conflicts, which required both the civil and military power of the state to suppress, are detailed in the papers which immediately follow. A portion of these papers—in addition to those on file in the MS. volume in the secretary's office—is copied from the "Correspondence of the Committee of Safety of New Hampshire, 1779–1784."

Letter from Gen. Benjamin Bellows to Meshech Weare relating to the unhappy condition of affairs in that portion of the State.

[P. 261.] Walpole, Nov^r. 15^th^, 1781.

Hon^d^ Sir,—

Being prevented by bodily indisposition from doing myself the honor of waiting upon you with a verbal account of our unhappy situation in this part of the State, by reason of the claim of Vermont upon us, must do it as well as I can by writing;—that the Authority of the State may take such effectual measures as they in their Wisdom may Judge the Present Exigency of affairs calls for. The Inclosed Declaration and other Acts shews that the pretended Officers of Vermont, notwithstanding any Resolutions of the Congress of the United States, mean to exercise their authority, East of Connecticut River, in all cases whatsoever, in every place, where their numbers render it safe for them so to do; and to Prevent either Officers or People, still adhering to Hampshire, from the exercising any Act of Government or Priviledge according to the Laws of said State. If these things are suffered by this State and the Government of Hampshire will sit still and see her faithful adherents Dragg'd to Gaol, for supporting in an orderly way, her Jurisdiction over a Territory Guaranteed by Congress,—our case is Pittiable. Vermont has levied a Tax upon the Lands on this, as well as the West side of the River, and mean to collect it where they have a majority;—the consequence of which I much fear, will be violent it not sanguinary measures. We wait with impatience for some measures taken by you to allay our fears and quiet our minds, under our present Prospects. If the Wisdom of the State should think it necessary to use more vigorous methods than they have as yet done, (as no doubt they will): Tho' I mean not to dictate; yet I think it might be

Best for any Officers sent to support Government here, with their Posses, to come from off the Grants, as it would be more Likely to settle us in peace, than the employing any among us, for this Purpose, where we are so intermix'd and near Equally Divided. I must Further let Your Honor know that if Effectual methods were taken by the State to secure some of the leaders of the revolt, which I doubt not might safely, if secretly and Prudently attempted, be [P. 263.] done; in all probability matters would rest quiet, till the United States would do something decisive, if they did not take a turn in our favor.

Your Honor will make such use of what I have wrote you in Confidence, as the good of the whole State may call for, so as not to Prejudice unnecessarily any against one, who is with much sincerity your Honors most

Obedient and Humbl Servt,

BENJA BELLOWS.

Hon[ble] M. Weare.

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*Substance of the complaints exhibited against Nath'l Bingham & John Grandy by Sam'l Davis.**

[P. 269.] To the Honal Saml King Esqr Justice of the peace, Complains Saml Davis, that on the Night of the 5 of Novr Instant—being in the house of Nathl Bingham in the Execution of his office as Constable in attempting to serve a precept upon James Robartson, that John Grandy did by force & arms oppose him the sd Saml Davis, and Did Not Suffer him to make his service, all which *in* against the peace & Dignity of this State: this is therefore to pray your honr to grant a warrant to apprehend the sd Grandy so that he may be Done with as Law & Justice Doth thereunto appertain, as in Duty Bound your complainant in Duty Bound shall Ever pray.

SAML DAVIS, Cons.

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* The matter referred to in the paper which follows is minutely narrated in Hist. of Charlestown, ch. XI, pp. 168–184. The affair took place in Chesterfield. Moses Davis, constable, acted under authority of Vermont. Bingham and Grandy were for New Hampshire. Col. Samuel King, also, was in the Vermont interest; and the court before which the trial was had was a Vermont court. This transaction gave rise to a succession of severe conflicts in the border towns, which will be more fully disclosed by documents which follow.—ED.

Mr. Bingham's Crime was that on the above s^d^ Night, s^d^ Bingham Did by force & arms oppose the s^d^ Davice & ordered him to Depart his house & told him that None of his Precepts should be served in his house.

To Both of the above Complaints when the Questions were asked Whether Guilty or Not, they said Not Guilty: then the Influence of their Court was used for them to throw themselves on the mercy of their Court & submit their Cause to a Jury, but they Refusing they proceeded to examine into the Complaint & Endeavoured to support it by four Evidences; whereupon the Crime appearing so high the Justices ordered them to Recognize to the Superior Court & procure Bonds or Go to Jail; they offering to go to Jail the Greatest pains Possable was taken to Pursuade them to procure Bail & offers made to them even to take any persons words which they would produce in Lieu of Bonds if they would But comply.

By the Best Information that can be obtained of a Complaint which is exhibited against Lt. Lee, he is charged with thretening to take the Life of the s^d^ Sam^l^ Davis; whereupon a Warrant is issued & orders given to break up any house where the s^d^ Lee may be found.

Warrant to apprehend John Grandy, Jun.

[P. 271.] State of Vermont } Wheras John Grandy jun^r^ of
Washington ss.* } chestarfeal in said County was Conveaned before me Samuel King Esquear one of the Justis of the pease for said Countey for Impeading and hindring one Sam. Davis Constable of said Chestarfeald Executing his ofis and I proceed to Examin into the matar and aftar due examanation in to the matar the offence appeared to me with its Aggravetison to be so notorious and horid that I ordareed the offendar to be bound to the Neaxt Countey Cort and the said John did refuse to get Bondsman for his appearans at said Cort.

To the Sherif of said County his Deputy or Eyther of the Constables the town of Chesterfield in the name and by

* Washington county, of Vermont, at this time, was assumed to cover the whole county of Cheshire.—ED.

the Authority of the freemen of the State of Vermount you are hereby Required to take the body of John Grandy jun^{r} of said Chesterfield if he may be found in within your Precinct and him Commit to the Common Gaol in Charlestown in said County within his said Prison and our said Sherif or Gaol Keeper is hereby required to keep the said John till he be had before our Justices of our next County Cort to be holden in said County hereof fail not as you will answer on your perril Given under my hand at Chesterfield this 12th day of November 1781.

SAMUEL KING, Justice of the peace.

Attest—Isaac Griswold, Dept. Sherif.

A true Copy of what was left with me on the committing of John Grandy to Gaol in Charlestown on the 14th of Nov. 1781. Attest.*

Warrant to apprehend and secure in Gaol, Nath'l Bingham.

[P. 273.] State of Vermont, } Whereas Nathaniel Bingham
Washington, ss. } was convented before me Moses Smith Justice peace with in and for the County of Washington for impending and hindring as well as opposing an officer in the Execution of his office in Chesterfield in the County aforesaid, I thereupon having taken Into consideration the case aforesaid do adjudge that the said Nathaniel find sureties to the next County Cort of Common Pleas to be holden in this County in the sum of five hundred Pounds Lawfull money for his *for his* appearance at said :

These are therefore in the name and By the authority of the freemen of the State of Vermount, to command you the Sheriff, under sheriff or Deputy or Gaoler of the County aforesaid to Receive the Body of the said Nathaniel and him keep and have in the Gaol of our said County untill he may be had before the Justices of our County Cort or Cort

* On the back of the foregoing mittimus is the following minute without signature, viz.: "The foregoing Copy was drawn by a person who "was favored by the Gaol Keeper with the Copies left with him, and "the Gaol Keeper was desired to examine and attest it, but he de-"clined: it was then presented to the Sheriff with the same request "and he declined signing it."—ED.

of Common Pleas next to be holden at Charlestown within the County aforesaid hereof fail not at your perrill Given under my hand this 12th day of November A D 1781.

MOSES SMITH, Justice of the Peace.

Attest—Isaac Griswold, Dpt. Sherif.

A true Copy of what was left with me on the committing Nathaniel Bingham to Gaol in Charlestown on the 14th of Novr 1781. Attest.

Petition of Nath'l Bingham and John Grandy, Jun., to the Council and House of Representatives, N. H.

[P. 275.] State of New Hampshire } To the Honorable
Cheshire, ss. } the Council and House
of Representatives in General Assembly now sitting at Exeter:

The Petition of Nathaniel Bingham and John Grandy, junr of Chesterfield in said County: *Humbly shews*—

That your Petitioners are now confined in the Gaol in Charlestown in said County by two several Mittimuses, the one signed by Samuel King, the other by Moses Smith of Chesterfield aforesaid, for the supposed Crime of opposing a Constable acting under the authority of the State of Vermont in said Chesterfield, as by the copies of the Mittimuses herewith transmitted will appear. How far we are justly chargeable with the *fact* of opposing the said Constable (for we suppose it to be no *crime*) your Honors will be able to judge from an impartial account of our conduct, presented by the Bearer. The pain we feel from our disagreeable confinement induces us to trouble the Assembly with this Petition, not doubting but they will grant us such relief as on full consideration of our case shall be tho't expedient;—and as in duty bound shall ever pray.

NATHL BINGHAM
JOHN GRANDY, Junr

Charlestown, Novr ye 16th. 1781.

Statement of facts by Nathaniel Bingham.

[P. 277.] As the Town of Chesterfield in the County of Cheshire has been some time destitute of any Officers either civil or military who would act under the authority of New Hampshire, we were advised by some of the principle Persons in the County to nominate one or two persons as Justices of the peace and return their names to the Assembly to be commissioned if they tho't proper. We were accordingly assembled for that purpose at my House in said Chesterfield on the evening of the sixth of November Instant. About 8 o'clock in the evening Samuel Davis of Chesterfield aforesaid, who was legally appointed and sworn as Constable for said Town for the present year, but has since taken another oath as Constable for the same Town under the authority of the State of Vermont, under which authority *only*, he will act—came in with five others, and after some conversation took a book from under his coat, which I suppose to contain the Laws of Vermont, and said he would be glad to read a paragraph in it. I told him I did not choose to have him read any of the Acts or Laws of Vermont there, and forbade his doing it, and desired him to withdraw for he interrupted us, and some one in the company said if he read any riot act there, it would be kicked into the fire; after some other conversation he put up his book, and said he had a Precept against one of the Company, and I forbade his reading any Precept under Vermont in my house,—on which he and his attendants left us.

On the twelfth of Nov[r] inst[l], I was taken by a Warrant signed by Moses Smith, directed to the Sheriff of the Coun-
[P. 278.] ty of Washington, and was carried before the said Smith, and sentenced as set forth in the Mittimus, and kept in close confinement untill the afternoon of the 13[th] instant; then conveyed to the north part of Walpole; and the next day committed to this Gaol with John Grandy jun[r]. who is in the same situation with myself, except that he was committed by Samuel King.

The above is a true state of facts, which I beg leave humbly to submit to the General Assembly of the State of New Hampshire.

NATHANAEL BINGHAM.

Charlestown, Nov[r]. ye 16[th], 1781.

To the Speaker of the House of Representatives.

An Act of the General Assembly of New Hampshire for empowering the Sheriff of the County of Cheshire to release certain persons from Prison, in Charlestown.

[P. 281.] STATE OF NEW HAMPSHIRE.

In the year of our LORD, one thousand seven hundred and eighty one.

AN ACT,

For empowering the Sheriff of the County of Cheshire to release from Prison sundry of the good subjects of this State, imprisoned by certain evil-minded Persons, assuming authority for so doing under the People inhabiting a Territory commonly called Vermont; and for apprehending the persons so offending.

WHEREAS the people inhabiting a tract of country on the West side of Connecticut River, originally granted by this State, and afterwards claimed by the State of New York, have erected themselves into a separate and independent Jurisdiction by the name of the State of Vermont; and whereas sundry persons have, by color of authority under the said pretended State of Vermont, acted as Civil Officers, passed Judgment and committed to prison sundry of the good Subjects of this State, and have seduced many of the inhabitants of the Counties of Cheshire and Grafton to submit to the Jurisdiction of the said pretended State of Vermont, by means whereof the proper officers of the said Counties may be unable to release the good subjects of this State from such illegal imprisonment, and to apprehend the persons so offending, without the special Aid of this Assembly; and inasmuch as an impartial trial of the said Offenders cannot probably be had within the said Counties where the Offences have or may be Committed; THEREFORE,

Be it therefore Enacted by the Council and House of Representatives, in General Assembly convened, and by the Authority of the same, it is hereby enacted, That the Committee of Safety be, and hereby is impowered and authorized to issue their order to the Sheriff of the County of Cheshire to

release from Prison all persons confined or who may hereafter be confined in either of the said Counties by order, Process or Authority of any pretended Court, Magistrate, Officers or other Persons claiming Authority from the said pretended State of Vermont, and to apprehend the persons who heretofore have exercised, or who hereafter shall attempt to exercise any Office, Power or Authority within the said Counties of Cheshire or Grafton from, by or under the said pretended Authority of Vermont, and to convey said Offenders to the Common Gaol in the County of Rockingham, or such other County in this State as the said Committee may order, there to remain until released by order of the General Assembly, the Committee, or by due course of Law.

And be it further enacted by the Authority aforesaid, That the said Committee of Safety be, and hereby are impowered to authorize the Sheriff of the said County of Cheshire to call upon the Sheriffs of any or either of the other Counties in this State, to raise the body of their respective Counties to aid and assist him in executing the order of the Committee of Safety, either to release persons imprisoned as aforesaid, or to apprehend the person or persons imprisoning them, and to convey the said Offenders to any Prison within this State, and also to command the Aid of any Officer or Officers of the Militia or Troops of this State, which may at the time be within the limits thereof, and commanded by an Officer commissioned by this State, and all Officers and other subjects of this State shall yield due obedience to such command.

And be it further enacted by the Authority aforesaid, That the several and respective Courts of Judicature in the County or Counties where the said Offenders may be confined, be and they are hereby respectively impowered to hear, try and determine any Process or Processes against the said Offenders, and to give Judgment and award Execution thereon in the same manner as though the Offence had been committed within the Body of the County where such Trial is had;—Any Law, Usage or Custom to the contrary in any wise notwithstanding.

STATE OF NEW HAMPSHIRE:

In the House of Representatives, November 27th, 1781.

The foregoing BILL having been read a third time, Voted, That it pass to be enacted.

Sent up for concurrence.

WM. WHIPPLE, Speaker, P. T.

In Council, November 28th, 1781.

This BILL was read a third time, and Voted, That the same be enacted.

M. WEARE, President.

Copy examined by Joseph Pearson, D. Sec'ry.

NOTE. Under the authority above given, Col. Hale, of Rindge, proceeded immediately to the release of the prisoners in Charlestown gaol, but met with resistance, and was himself imprisoned.—ED.

Mittimus for committing Col. Enoch Hale to prison.

(Copy)

[P. 279.] State of Vermont } Whereas Enoch Hale, Esq^r. Washington, ss. } hath been this day brought before us Benjamin Giles, Nath^l. S. Prentice, and Elijah Bingham, Esq^rs three of the Justices of the Peace for said County on a Complaint exhibited against him by Isaac Ely for attempting to break the Common Gaol in Charlestown in said County with an intent to release Nath^l Bingham and John Grandy, jun^r. then Prisoners in said Gaol, which fact being fully proved by the Oaths of the said Isaac Ely and Isaac Griswold, the said Enoch Hale was ordered to recognize for his appearance at the next County Court in said County, in the sum of five hundred pounds, with sufficient surety, or stand committed, and the said Enoch Hale refusing to Recognize, these are therefore, in the name and by the Authority of the freemen of the State of Vermont, to command the Sheriff of the said County of Washington, his Deputy or Gaol Keeper to receive the Body of the said Enoch Hale, and him detain in the common Gaol in Charlestown in said County, untill he shall be discharged according to Law; for which this shall be your warrant.

Given under our hands, at Charlestown this 29th day of November, A. D. 1781.

BENJ^a GILES
NATH^l S. PRENTICE
Attest a true Copy ELIJAH BINGHAM.*

Isaac H. Ely, Gaol Keeper.

A true Copy of a Copy, attested by the said Ely.

Attest Enoch Hale.

According to the within Mittimus I have committed the within Enoch Hale to the Gaol in Charlestown.

Charlestown, Nov^r 29th, 1781.

Isaac Griswold, Dep^ty Sheriff.

Letter from Gen. Bellows to Meshech Weare, informing him of the imprisonment of Col. Hale.

[P. 283.] Walpole, Nov^r 29th, 1781.

SIR—

The methods taken by the General Assembly for Liberating Mess^rs Bingham and Grandy are so far from being effectual for that Purpose, that the Authority of Vermont have imprisoned the Sheriff of the County of Cheshire who was sent here for the purpose aforesaid; the authority of said Vermont are determined to keep the Goal and their prisoners, and also to withstand and oppose (by force of arms) all the Sheriffs and their Posses who may be imployed by New Hampshire to counteract any of their Purposes or designs: it is said they can raise (by their account) six Hundred men at the shortest notice, who will resolutely dispute the Ground Inch by Inch. That the Posse should be raised to carry the orders of this State into Execution now, is absolutely necessary; something effectual must be done; dallying will not answer, and unless some force can be obtained from without the County of

* Benj. Giles was of Newport, Nath'l S. Prentice of Alstead, and Elijah Bingham of Lempster. They were leading men in their respective towns, and the two former had held office many years under the N. H. government.—ED.

Cheshire, it will not be advisable to Dispute the Ground any longer. You can't but be sensible of the ill consequences of such an attempt from within ourselves within this County, and Especially within the Grants ;—for should the Friends of New Hampshire generally exert themselves at this time it would universally alarm the Vermonters, and many who would not otherwise arm in this Quarrel would exert themselves to the utmost to oppose the orders of the Assembly, and all the New Hampshire Authority. I should think that if New Hampshire are determined to Support and Protect their Friends in this Quarter, and to maintain their Jurisdiction, it will be absolutely necessary that a sufficient force should be collected from without the Grants be sure, if not without the County of Cheshire ; You will put yourself in our circumstances, and especially in those of the Sheriff and the other Prisoners, and I think you can't hesitate a moment respecting what is necessary to be done and how it should be done.

I am, with esteem your Honors most obed^{t}
Hum^{b} Serv^{t},

Benj^{a} Bellows.

Hon^{ble} M. Weare.

Letter from Samuel King to Col. Chamberlain and others relating to the abovesaid matters.

To Col^{o} Chamberlain I shall transmit to you a coppy of an Express I Rec^{d} Sabeth day night for the Sheriff of this county.

State of Vermont } Charlestown, December 1st, A D
County of Washington } 1781.

Sir—two men belonging to Chesterfield have Been taken by the authority of this State and commited in the Gaol in Charlestown for opposeing the Constable of said Chesterfield in the Execution of his office—Intelligence of which has been sent to the general Cort of New Hampshire who Did Resolve that Col^{o} Hale Proseed to said Gaol and Release the Prisoners and in case of Resistance to call on the Sivil and Military Authority of the State of New Hampshire to suport him meaning the authority of the County of Cheshire

Col° Hail arrived here on the 28th of November last Demanded the Prisoners they being Refused he attempted to brake the Gaol in order to Release them for which he was taken and committed to Prison was Released on his Parole for the Purpose of Consulting General Bellows and calling on him to Raise the Malitia agreeable to the order of said Court but the General Refused to Do it the Col° is Returned and is now under confinement having the Liberty of the yard On the evening of the 29th General Bellows sent an Express to the General Court of new Hampshire now seting Excuseing himself for not Raising the Melitia and informeing them that if the Melitia are to be Raised it would be best to Raise them without the limits of the County for the Releaf of Col° Hail. Doubtless there will be a force sent to Relive him In which case I shall call on you for assistance to withstand any Force that may be sent to Releave him if I am advised to by proper authority as the Law Directs I wish your Regiment might be notified without Loss of time to be in Readiness properly Provided with Provisions arms and ammunition to march on the shortest notice Should I be under the Disagreeable necissity of calling for your assistance I Have sent simelar Letters to Colonels Haywood Chase and Childs Regiment* have only to add that if the People that Elected me into office will not turn out at so critical a Juncture to Defend me and the Honour of the State and its Laws I shall be under the Disagreeable Necessity of giving up a Cause which I under Took for my own and their good.

I am Sir your most obedient humble serv[t]

WILLIAM PAGE, Sheriff.

To Col° Samuel King.

[P. 286.] Therefore Sir, I would desire you to Favor the Captains in your Town with a coppy of this or with this and Exeart yourself that the men may all be Ready to march at the shortest notice and Doubt not your nor the Captains Exartions on such an Important matter and critical time as

* Col. William Heywood was of Charlestown, Col. *Jonathan* (?) Chase of Cornish, and Col. Jonathan Child of Lyme.—ED.

I view this to be and wish they may universally turn out in Defence of so just a cause.

So I remain your most obedient servant

SAMUEL KING, Col°

Decem^r 3^d, 1781.

To Col° Chamberlain, Capt. Franklin, Capt. Coal and Capt. Butterfield.

P. S. I have sent this Day to the other Towns in the Regiment Simelar Letters to this.

Letter from Col. Wm. Heywood to Capt. Phineas Hutchins (with a copy of Sheriff Page's express).

State of Vermont
County of Washington } Charlestown, Dec. 2^d, 1781.

The following is a Coppy of a Letter from Doct^r Page.

SIR—Two men belonging to Chesterfield have been Taken by the Authority of this State and Committed to Gaol in Charlestown for opposing the Constable of said Chesterfield in the Execution of his office. * * * * * [The remainder of Doctor Page's letter, word for word, is identical with the preceding copy of the letter to Col. Chamberlain, and need not therefore be repeated.]

Col. Haywood continues

SIR—I should be glad you would show this to Capt. Hooper and Lieut. Bundy & assist them in Notifying all that are friendly to the new State be in readiness with their arms & ammunition compleat with two or three Days provision each to march to Charlestown on the shortest Notice.

I am your Hum^bl Serv^t.

WM. HEYWOOD, Col°.

Capt. Hutchins.

[Superscribed] On Publick Service
Capt. Phineas Hutchins, Walpole.

Letter from Michael Cressey, of Chesterfield, to Gen. Bellows.

[P. 289.] SIR—I Beg the Leave to inform your Hon^r that the Pertened Coll. King has sent out: By order as I am informed from Doc: Page to Raise his Rige^mt to oppose New Hampshire, and that he Called the milita of this Town together yesterday to see who would fight against New Hampshire and that as I am Credably informed there was about Sixty turned out as Vollenters for that Purpose and the sed King Urged them in the Strongest terms to Stand By one another and by thire officers for thire Rights against the State of New Hampshire, assuring them if they stood firm New Hampshire would not fight. it is also reported that he sent over to Capt. Sarjants at Brattilbrough to asist But what return unknown.

Sir—I thought Proper to inform you of these movements and I Pray Heaven to give both you and the State of Newhampshire wisdom to conduct matters wisely at such a Critical day as this.

From your most obedient and
Humble Sarv^t
MICHAEL CRESEY.

Chesterfield, Dec^ber y^e 5^th 1781.
To Gen^al Bellows.

NOTE BY THE EDITOR.

While affairs were in the condition above delineated in the western parts of the state, the authorities of New Hampshire in the eastern part were prompt in measures to maintain their jurisdiction, and give relief, if possible, to their oppressed subjects. Hence, the Committee of Safety at Exeter, on the 5th of December, issued orders, as follows:

[Copied from MS. Records in Secretary's office, of Committee of Safety, 1779–1784, pp. 108–115.]

State of New Hampshire } In Com^tee of Safety Exeter Decem^r 5th, 1781.

SIR—By the inclosed Order you will see, that you are to raise the body of your County for the purpose of liberating the sheriff of the County of Cheshire from his illegal confinement.

The Committee have wrote Gen[l] Nichols and Gen[l] Bellows on the subject of raising men for that purpose to whom you will apply.

You have inclosed a copy of the act of the Gen[l] Court, impowering the Committee to liberate persons confined in the Counties of Cheshire and Grafton by any persons acting under the pretended authority of Vermont & for apprehending all persons who have or shall attempt to exercise such authority in either of said Counties.

You will receive herewith a Warrant directed to Col[o] Hale or (in his absence or incapacity to act) to yourself for liberating from confinement and for apprehending sundry persons acting as aforesaid—You will first proceed to liberate Col[o] Hale and afterwards give him your assistance agreeably to the Act of the General Court. If (by any cause whatever) Col[o] Hale should not be able to execute said Warrant, you will consider and proceed to execute the same as full to all intents and purposes as though originally intended for you.

The Confining Coll. Hale is a Crime of such magnitude, that the General Court (as we conceive) had no idea of it, and demands speedy redress, doubt not but you and all the good people of this state who may be called upon for the purpose will exert yourselves to give speedy relief to those confined and to bring to Justice all concerned in such unconstitutional proceedures.

You will call on Francis Blood Esq for a supply of Provisions, to whom we have wrote on the subject—You will give the Committee (or the General Court if sitting all necessary intelligence from time to time in order (if need be) that you may have further support.

M. Weare, President.

Moses Kelley Esq. Copy.

State of New Hampshire } In Committee of Safety Exeter Decem[r] 5[th], 1781.

L. S. To Moses Kelley Esq. Sheriff of the County of Hillsborough—Greeting.

Whereas this Committee are informed that the Hon[ble]

Enoch Hale Esq Sheriff of the County of Cheshire (in attempting to liberate Nathaniel Bingham and John Grandy Jr. from Charlestown Gaol in pursuance of an order from the General Assembly of this State for that purpose) has been apprehended by some persons acting under the pretended authority of Vermont and confined in said Gaol.

You are hereby required in the name of the Government and People of said State to raise the Body of your County and proceed immediately to said Gaol (or to any other place in this State where the said Enoch Hale Esquire may be confined by any person or persons acting under the pretended authority of said Vermont) and him release & liberate from such confinement; after which you will give your assistance in apprehending such persons as he may be directed, by this Committee, to apprehend in consequence of an Act of the Gen[l] Court passed Novem[r] 28[th] 1781—And all officers Civil and Military, and other subjects of this State, are by said Act required to be aiding and assisting in the premises—for which doing this shall be your sufficient Warrant.

Hereof fail not and make return as soon as may be.

M. Weare, President.

State of New Hampshire } In Committee of Safety Decemb[r] 5[th] 1781.

L. S.

To Enoch Hale Esq. Sheriff of the County of Cheshire or in case of his absence or Incapacity to execute this Order. To Moses Kelley Esq Sheriff of the County of Hillsborough—Greeting.

Whereas by an act of the General Court of this State passed November 28[th] 1781 the Committee of Safety are Authorized and impowered to issue their Order to the Sheriff of the County of Cheshire to release from prison all persons confined, or who may hereafter be confined by any person or persons claiming authority from the pretended state of Vermont within the Counties of Cheshire and Grafton, and also for apprehending and confining any persons acting under said Authority within said Counties and to convey such offenders to such Gaol as the Committee of

Safety for said State shall order. Therefore you are hereby required in the name of the Government and People of said State to call on the posse of the Counties of Hillsborough and Cheshire, and in case you find it necessary on any or all of the other Counties in this State and proceed to and release from prison Nathaniel Bingham and John Grandy Jr who are now in Charlestown Gaol and any other persons that may be confined in either of the Counties of Cheshire and Grafton by any persons acting under the pretended authority of Vermont. And whereas we are informed that Benjamin Giles Esq of Newport, Nathaniel Sartele Prentice Esq of Alstead, Samuel King of Chesterfield, Page of Charlestown Physician Ely of Charlestown, Isaac Griswold of Keene and Moses Smith of ———— have each and all of them by colour of authority from the said pretended State of Vermont acted as Officers within this State.

You are hereby further required to apprehend the Bodies of the said Benjamin Giles, Nathaniel Sartele Prentice, Samuel King, Page, Ely, Isaac Griswold and Moses Smith all of the County of Cheshire and other persons, who may oppose you in the execution of this Order and them safely keep and convey to the Common Gaol in the County of Rockingham, there to remain untill released by Order of the General Assembly the Committee of Safety, or by due Course of Law. Hereof fail not and make return of this Warrant and of your doings herein as soon as may be.

M. Weare, Presdt.

[p. 113.] State of New Hampshire } In Committee of Safety Exeter Decr 5th 1781.

Sir—

The Committee deem it necessary to raise the body of the Militia in the Counties of Hillsborough and Cheshire in order to liberate Collo Enoch Hale and others from prison in Charlestown (No. 4) where they are confined by the pretended authority of Vermont. And also for the purpose of securing & committing to Gaol sundry persons, who have acted under the said pretended Authority within this State. For which purpose they have authorized Moses Kelley Esq Sheriff of the County of Hillsborough

(provided said Hale is unable to act in the premises) to call to his aid for the purposes aforesaid the body of the Militia in the said Counties.

This is therefore to direct you, when called upon by the said Kelley to raise forthwith such a number of effective men in the County of Hillsborough as he may think necessary compleatly equipped with Arms, and furnished with ammunition and properly officered to attend the said Kelley or Hale and act agreeably to such directions as may be given by them or either of them. You are to take in person the Command of your Troops.

M. WEARE, Presd[t].

The Hon[ble] Brig. Gen[l] Moses Nichols.

[P. 114.] State of New } In Committee of Safety Exeter—
Hampshire } Dec. 5[th] 1781.

SIR—Your letter of the 29[th] Ult[o] to the President was received on Sunday evening. The Committee were summoned to meet in consequence or the same.

They deem it necessary to raise the Body of the Militia in the Counties Hillsborough & Cheshire in order to liberate Col[o] Hale and others and for apprehending and securing sundry persons who have acted under the pretended authority of Vermont.—

For which purpose have Authorized Moses Kelley Esq. Sheriff of the County of Hillsborough (provided said Hale is unable to act in the premises) to call to his aid, for the purposes aforesaid, the Body of the Militia in said Counties—The Committee have wrote Gen[l] Nichols directing him to raise the Body of the Militia in the County of Hillsborough. You will raise as many of the Militia of your County as possible on this occasion and take command of them, that you may be in readiness to Cooperate with those raised in the County of Hillsborough and act agreeably to such directions as may be given by said Sheriff or either of them. You have inclosed a Copy of the Act of the General Court directing the procedure in such cases.

M. WEARE, President.

Brig. Gen[l] Benjamin Bellows, Esq.

[P. 115.] State of } In Committee of Safety Exeter Dec^r
New Hampshire } 5 1781.

Sir—As the Committee have thought it necessary to raise a Body of the Militia in the County of Hillsborough and Cheshire to liberate Coll^o Enoch Hale & others from Charlestown Gaol and for other purposes—This is to direct you to supply the Troops while embodied, with Beef from the Cattle you collect for the Army; and if practicable to exchange a sufficient quantity of Beef to supply them with Bread. But if you cannot make such exchange, then to dispose of as many of the said Cattle for specie as will raise a sum sufficient to purchase Bread for said Troops while thus embodied—which provision you are directed to deliver to the Sheriff of the County of Hillsborough or Cheshire or to either of their Orders.

M. Weare, Presid^t.

Francis Blood Esq.

Letter from Col. Enoch Hale, Sheriff of the County of Cheshire, to Meshech Weare.

[P. 291.] Charlestown Gaol, Dec^r 12^th^, 1781.

Sir—I have to inform your Hon^r that I wait the pleasure of the Hon^ble^ Committee of Safety, who I trust, well know my situation. Sir, I have given Bonds for the liberty of the yard, but could not give Bonds to appear at an unknown Court, for the Honor of the State that sent me to this place: however I was prevented doing the Business that I was sent upon yet I found the People to be much disappointed when they see that I Refuse to recognize and said that it would emediately bring on a quarrel, and many said they never would take up arms for the sake of Jurisdiction and could ownly wish to know the pleasure of Congress on the matters,—which I think has been kept from them by designing persons.

Sir, Even those that are leading in the insurrection were pannick struck on hearing that two thousand men was on their march but have since been much incouraged by hearing that the State of New Hampshire did not know what to do with them. Sir, I think that Now is the Time to Put

the Laws in Execution more especially the late ones. Sir, the wisdom of the Hon^ble^ Committee is sufficient to direct them. I am Sir with much Respect

Your Hon^rs^ most Obedt. Hum^ble^ Serv^t^.

ENOCH HALE.

Honorable
Mashech Weare, Esq. President, &c.

Letter and orders from Thomas Chittenden to Elisha Payne, Major General, dated

[P. 299.*] Arlington, 14^th^ December 1781.

Sir—

I have received dispatches from William Page Esq^r^. Sheriff of Washington County, which gives me to understand that there is a high probability that the Government of New Hampshire are about taking coercive measures to compel the peaceible citizens of this State to submit to the Laws and authority of New Hampshire. The Sheriff further desires my special orders in matters relating to the premises; and as my remote situation renders it impracticable that I should have the knowledge of the particular occurrences which may take place should such an attempt be made by New Hampshire, therefore I can only give you General Orders in the matter: viz. Provided that New Hampshire reject the proposals † of the Legislature of this State, and insist upon hostile measures, you are hereby directed to call on such of the members of the Council & the Generals Fletcher and Olcott, and such of the field Officers of the Militia on the East side of the Mountain as you may think proper, and after having consulted matters, if need be you are directed to call on any or all of the Militia of this State to the Eastward of the Range of Green Moun- [P. 300.] tains to your Assistance, and assist the Sheriff in carrying into Execution the Laws of this State, and to defend its citizens against any insult, and provided New Hampshire make an attack with an armed *force* you are

* The irregularity of some of the marginal pages is to preserve the chronological order of events, rather than the arrangement of files.—ED.

† See *ante*, pp. 422–427.—ED.

hereby ordered to Repel force by force; and in the mean time you will use every means in your power consistant with the pease, happiness and dignity of this State to prevent the Effusion of human Blood, which at this time might be more or less injurious to the common cause of America as well as attended with many other serious considerations; and which I pray God may never take place.

I am, Sir,
Your Obedient and humble Servant
THOS. CHITTENDEN, Capt. Genl.

Elisha Payne, Esqr.
Major General.

N. B. Provided a force from New Hampshire, precipitate an invasion, you must act with that expedition which their manœuvres may require, with such council as you can in haste collect. T. C.

Letter from Thomas Chittenden to William Page referring to orders given to Genl. Payne.

[P. 301.] Arlington, December 14th, 1781.

SIR

I received your dispaches of the 9th and 12th Instant last evening by Capt. Watherbe, have considered the same and do approve of your conduct in every particular.

I have wrote Major General Payne in which I have given him particular orders with the advice of certain gentlemen therein named to give you such assistance as shall be necessary for the support of Government in your Quarter.

I am, Sir, with Respect,
Your Hbl Servant
THOS CHITTENDEN.

William Page, Esq.

True Copy
Test William Page.

Instruction from Gov. Chittenden to Ira Allen respecting boundary lines, &c.

[P. 267.] Arlington, December 15th, 1781.

SIR—I have consulted a Number of the members of my

Council on the Controversy between this & the State of New Hampshire Respecting the Boundary lines between the two States: Whereupon I do hereby appoint & authorize you to Repare to the Gen[l] Court of New Hampshire & their use your Influence that they comply with the Proposals of the Legislature of this State for an amicable Settlement;* thereby, if possible to Prevent the Effution of Human Blood, as the appearance of Civil War will but too much give Countenance to the Common Enemy of these States.

THO[s]. CHITTENDEN.

To Col[o] Ira Allen. (Copy.)

Letter from Samuel Livermore in Congress to President Weare, relating to proceedings in Congress.

[P. 293.] Philad[a] Dec[r] 18[th] 1781.

DEAR SIR—

I rec[d] yours of the 4[th] Instant with the Papers inclosed which I this day laid before Congress (except those which contain the maneuvers of Vermont Assembly at Charlestown, which Congress were already possessed of.) Congress appointed a Com[tee] of five to take them into consideration and report. Every member of Congress but one appeared in our favour & against Vermont as far as I could judge. Nevertheless, I do not pretend to predict the measures that will be taken. The labouring Oar I think is on Congress to support their own honour, dignity and authority; I wish to keep it so. I shall further advise of what may turn up.

I am with great esteem your most
obed[t] servant

SAMUEL LIVERMORE.

Hon[ble] President Weare.

The Resolutions of Vermont were bro't to Philadel[a] last week by one Mr. Brunson a Counsellor as I understand of that State.

President Wheelock is here & professes to have no hand in politicks, but is trying to get contributions for his Indian School, &c.

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* See *ante*, pp. 422–427.—ED.

Letter from Elisha Payne, Lieut. Governor of Vermont, to President Weare, proposing amicable measures, &c.

[P. 295.] Charlestown, Dec. 21st 1781.

SIR—

I herewith transmit to your Honor a copy of orders received from the commander in chief of the State of Vermont issued in consequence of coercive measures persuing by New Hampshire, from which you will learn my situation.

Inclination and duty conspire to induce my compliance with any measures which reason and justice may point out to avert threatening hostilities pregnant not only with the horrors of civil war, but also the greatest injury to the United States, whose interest it is our desire as well as yours to support;—have therefore by advice of sundry members of the Council of this State and other Gentlemen of influence and consideration now present, appointed Brigadier General Enos and William Page, Esqr in conjunction with Colo Ira Allen (already appointed by the Governor to wait on your Assembly) to state before the said Assembly the reasonableness of the late proposals of the Legislature of Vermont transmitted to your Honor by a committee ap- [P. 296.] pointed by said legislature for that purpose, for a settlement of the disputes between New Hampshire and Vermont.

You must be sensible it has ever been our idea to have justice and equity take place in the decision, and therefore by the advice aforesaid renew proposals that the controversy in respect to the territory, the jurisdiction of which is in dispute between the said States, be decided by an impartial tribunal, on principles of right and equity, in the mode Congress have pointed out by articles of Confederation of the United States, in cases where disputes arise between two or more States in respect to boundary, jurisdiction, &c, Vermont being allowed equal privileges as the other party in support of their claims;—and that hostilities between the said States be suspended till such trial can be had.

We doubt not a compliance on the part of Vermont with the foregoing proposals which appear to us equitable and just, and are persuaded that New Hampshire are so possessed of principles of justice and equity as shall induce a

compliance on their part, and hope for their favorable answer to lay before the Assembly of Vermont for their con-
[p. 297.] currance at their meeting on the last Thursday in January next.

In case New Hampshire refuse compliance with equitable terms (as we view the foregoing) and are determined on hostilities previous to attempts for an amicable settlement, shall find myself under the disagreeable necessity to execute the orders I have received in raising the force of Vermont to repel encroachment on its jurisdiction exercised by consent of the people, and which I doubt not their most spirited exertions to support till the dispute is decided, confident that New Hampshire in case they commence hostilities must be accountable for the consequences.

I have the honor to be with esteem
and respect, Sir,
Your Honor's most obedient
and most humble servant

ELISHA PAYNE, Leu[t] Gov[r].

His Honor Meshech Weare, Esq.
President of the Council of New Hampshire.

Orders from Elisha Payne, Lieut. Gov., to Roger Enos and William Page.

[p. 303.] State of Vermont.

To Brigadier General Roger Enos* and William Page, Esquire.

GENTLEMEN—

By advice of sundry members of the Council of this State, you are hereby appointed and empowered to repair forth-

*General Enos first appeared in Vermont history in March, 1780, when the town of Enosburgh was granted to him and his associates. In 1781 he commanded all the Vermont troops in service; but previously he had been in the continental service, from the opening of the revolutionary war—accompanied Gen. Arnold in his expedition to Canada, 1775. His residence was in Hartland, Vt., which town he repeatedly represented in the legislature, from October, 1782, to 1792. He died in Colchester, Vt., Oct. 6, 1808, in the 73d year of his age. [See Rec. Gov. & Coun. Ver., Vol. II, p. 108.]—ED.

with to the Assembly of New Hampshire and in conjunction with Col° Ira Allen (already there by appointment of the Governor) use your endeavours that said Assembly consider and concur in the proposals made to them for settlement of the dispute between the two States relative to jurisdiction, and agree on measures to prevent hostilities till an equitable and impartial determination of the said disputes can be obtained.

ELISHA PAYNE, Leu^t Gov^r.

Charlestown, Dec. 21, A D. 1781.

Letter from Enoch Hale to President Weare respecting measures for adjusting the boundary lines, &c.

[P. 307.] Charlestown, December 22^d, 1781.

MUCH RESPECTED SIR—

I have this moment an oppertunity by Doct^r Page of paying my Respects to the General Assembly, but the small Entilegence I have Received since my Confinement Puts me under some disadvantage in Righting. The surspention of opperation on the part of New Hampshire in support of there Jurisdiction is to me unknown and I Percive that a further surspention will be Requested on the part of the People on the New Hampshire Grants which I could not object to in Case that might be Productive of an honorable Settlement and the Provention of human blud. I have urged the Necessity of Jurisdiction on the Part of New Hampshire at least that it should not be arrested out of our hands without any Trial or Consent—You will now see by the dispaches on there Part that a Trial is Proposed (though in the mean time they chuse to hold the Key) and in case the General Assembly of New Hampshire shall consent to such a Trial to com in for the same in Two seperate bodies in the line Proscribed by Confederation for settleing boundary lines I should Expect a surspention of those matters and govern myself as the wisdom of the General Assembly may direct—but in case the Proposals on there Part should appear to the General Assembly of New Hampsh^r to be inadmissable and no Proposals made by our Assembly should be Complyed with—in such case I Humbly Concive that a surspention of opperation would be attended with bad consequences—as sending out orders and

counter orders to the militia would be Productive of a spirit of slumber in them and weaken the hands of Government—The wisdom of the General Assembly will direct them—have ownly to ad that I have been used well as a Prisner have had the liberty of the yard and they Now begin to Desier me to Depart out of there Course. I am Sir your Honoras most obedient Humble Servt.

ENOCH HALE.

The Honble President.

[Cor. p. 118.] State of New Hampshire } In Committee of Safety Exeter Decr 27th, 1781.

SIR—

By the inclosed Warrant you will see that you are authorized to apprehend sundry persons who are therein named—You will take with you a number not exceeding six or eight resolute persons on whom you can depend for assistance.

You will make it the first object of your attention to apprehend Samuel King—the next object with the Committee is Prentice—You will proceed with proper caution and make as much dispatch as possible.

It is the earnest request of the Committee that you will undertake this business.

JOSIAH BARTLETT, Chairmn.

P. S. Mr Robert Smith of Londonderry has been sent to apprehend Esq. Giles of Newport—It is probable he will call on you if he should you will consult on the matter.

J. B.

Mr Jonathan Martin.

[p. 119.] State of New Hampshire } In Committee of Safety Exeter Decr 27, 1781.

L. S. To Jonathan Martin of Wilton

Whereas information hath been given to this Committee,

that Samuel King, Gentleman, Moses Smith, Yeoman both of Chesterfield, Isaac Griswold Yeoman of Keen & Nathaniel Sartel Prentice of Alstead Esq—all in the County of Cheshire and State aforesaid have been guilty of sundry practices inimical to this State—Therefore—

You are hereby required in the Name of the Government and People of said State forthwith to Apprehend the Bodies of Samuel King, Moses Smith, Isaac Griswold and Nathaniel Sartel Prentice if they may be found within this State and bring them, as soon as may be before the Committee of Safety to be examined touching the matters alledged against them, that they may be dealt with as to justice shall appertain.

And all officers, Civil & Military and other subjects of this State are hereby required to be aiding & assisting you in the premises.

Hereof fail not and make return of this Warrant with your doings thereon

Given under my hand & seal on the day & date above mentioned.

JOSIAH BARTLETT—Chairm[n].

State of New Hampshire
Rockingham*——

Pursuant to the within Warrant I have apprehended the body of the within named Nathaniel Sartel Prentice Esq. and Have him before the Committee of Safety for said State this seventh day of January 1782.

ROBERT SMITH, Special sheriff.

Pursuant to the within Warrant I have apprehended the body of the within named Samuel King, Gentle'n who was rescued;—the others are not found.

ROBERT SMITH, Special sheriff.

* This return is found on file in MS. State Pap., Ver. Controversy, p. 319.—ED.

[P. 120.] State of New Hampshire } In Committee of Safety Exeter Dec^{r} 27th 1781.

Sir—

By the inclosed Warrant you will see that you are authorized to apprehend Benjamin Giles Esq of Newport—You will take with you one or two persons as assistants if you think necessary. You will proceed with proper caution and make as much dispatch as possible.

It is the earnest request of the Committee that you undertake this business.

Mr. Jonathan Martin of Wilton is employed to apprehend sundry persons in the southerly part of the County of Cheshire, it may be necessary for you to see him on your way up, that you may both exert yourselves about the same time—That no intelligence may be given from either party wish you would see Mr. Martin as soon as possible, and you will readily see the necessity of profound secrecy.

Josiah Bartlett, Chairman.

Mr. Robert Smith.

[P. 121.] State of New Hampshire } In Committee of Safety Exeter Dec. 27th 1781.

L. S. To Robert Smith of Londonderry.

Whereas Information hath been given to this Committee that Benjamin Giles Esq. of Newport in the County of Cheshire and State aforesaid, hath been guilty of sundry practices inimical to this State, Therefore,

You are hereby required in the Name of the Government and People of said State forthwith to apprehend the body of the said Benjamin Giles, if he may be found within this State and bring him, as soon as may be, before the Committee of Safety to be examined touching the matters alledged against him that he may be dealt with as to justice shall appertain. And all officers Civil & Military and other subjects of this State are hereby required to be aiding and assisting you in the premises.

Hereof fail not and make return of this Warrant with your doings thereon.

Given under my hand & seal on the day and date above mentioned.

JOSIAH BARTLETT, Chairm^n.

Report of Committee of N. H. House of Representatives about admitting William Page to bail.

[P. 309.] State of New Hampshire

In the House of Representatives, Dec^r 27^th^, 1781.

The Committee to consider what is to be done respecting Mr. William Page, reported, "that they have examined the said William Page and the evidence respecting his conduct, and it plainly appearing that he has accepted the office of Sherriff under the usurped authority of Vermont & exercised the same for a considerable time within the County of Cheshire, and are of opinion that the said William Page should be committed to Gaol at Exeter on a mittimus from some Magistrate within the County of Rockingham to take his tryal at the next Superior Court to be holden within said County of Rockingham.

Signed. W^y LANGDON,
for the Committee."

Which report being read and considered, Voted that the same be received & accepted.

Sent up for concurrence

JOHN LANGDON, Speaker.

In Council the same day read and Concurred.

E. THOMPSON, Sec'ry.

[P. 311.] State of New Hamp^r } In the House of Representatives, Dec^r 27^th^, 1781.

The Committee to consider the propriety of admitting William Page to bail reported as their opinion, "that the said Page be not at present liberated, which is submitted.

Signed. NICH. GILMAN, for the Committee."

Which report being read & considered,

Voted that it be received & accepted.

Sent up for concurrence

JOHN LANGDON, Speaker.

In Council the same day read and conc^{d}.

E. THOMPSON, Sec'y.

State of New Hamp^{r} } In the House of Representatives, Jan. 4th, 1782.

The Committee to consider of the propriety of the Justices of the Superior Court or the Chief Justice admitting William Page to bail, reported as their opinion, "that they cannot consider of the matters referred to them without having the said Page before them with all the papers relative to his commitment, together with an examination into various circumstances which they conceive to be without the line of their department; they therefore further report that the said Page apply to the Superior Court for his liberation from prison, before whom only the Committee conceive such matters to be cognizable. Which is submitted.

Signed JOHN WENTWORTH, for the Committee."

Which report being read & considered, Voted, that it be received & accepted, any former order of this House to the contrary notwithstanding.

Sent up for concurrence.

JOHN LANGDON, Speaker.

In Council the same day read & concurred

JOSEPH PEARSON, D. Sec'y.

Letter from Ira Allen to Josiah Bartlett, requesting a copy of N. H. Acts and Resolutions, &c.

[P. 313.] Exeter, Dec^{r}. 29th, 1781.

SIR—As it appears on all sides that Both New Hampshire and Vermont are willing to submit to Congress the settlement of the Dispute Between the Respective States

and as the Legislature of Vermont are not Possessed of the Act or Acts of New Hampshire Referring them matters to Congress have to Request a Copy of said act or acts together with a Copy of the Resolution of the Legislature on the Proposals of the Legislature of Vermont, in October last, That I may lay them before the Legislature of Vermont at their session in Jan^{y} next thereby to facilitate a settlement at Congress.

I am, Sir, with due Respect
Your Hum^{bl} Serv^{t}
IRA ALLEN.

The Hon^{ble} *Elisha* [Josiah] Bartlett, Esq^{r}.
President.

Joint Letter of Ira Allen and Roger Enos to Josiah Bartlett.

[P. 315.]

Exeter, Dec. 29th, 1781.

SIR—You will herewith Receive a Duplicate of our Commission to attend the Gen^{l} Court of New Hampshire, and, have to add, that notwithstanding one of our Colleges, Wm. Page Esq^{r}, being confined in Gaol contrary as we conceive to the Laws of States or Nations, We are so Desirous of an accommodation we Ready to Enter on the Business of our mission.

We are with sentiments of Esteam,
Your Hum^{ble} Serv^{ts}
ROGER ENOS
IRA ALLEN.

The Hon^{ble} *Elisha* [Josiah] Bartlett, Esq^{r},
President.

Letter from Samuel Livermore to President Weare relating to "Vermonters."

[P. 317.]

Philadelphia, Jan^{y} 1st, 1782.

DEAR SIR—

I wish you a happy New Year. Nothing material has turned up here since my last. I hope to have something

to write by next post. I am anxious to hear the event of Gen[l] Nicholls expedition. The Vermonters are very turbulent about Hudson's River and a strong suspicion of their being in League with the Brittish—you will hear more in my next, if bro't to any head in Congress.

Your most Obed[t] Servant,

SAMUEL LIVERMORE.

Hon. Presd[t] Weare.

Letter from General George Washington to Gov. Thomas Chittenden of Vermont. [See *ante*, p. 227.]

Philadelphia 1[st] January, 1782.

SIR—I received your favor of the 14[th] of November, by Mr. Brownson. You cannot be at a loss to know why I have not heretofore, and why I cannot now address you in your public character or answer you in mine: But the confidence which you have been pleased to repose in me, gives me an opportunity of offering you my sentiments, as an individual, wishing most ardently to see the peace and union of his country preserved, and the just rights of the people of every part of it fully and firmly established.

It is not my business, neither do I think it necessary now, to discuss the origin of the right of a number of inhabitants to that tract of Country, formerly distinguished by the name of the New Hampshire Grants, and now known by that of Vermont. I will take it for granted that their right was good, because Congress, by their resolve of the 7[th] of August, imply it; and by that of the 21[st], are willing fully to confirm it, provided the new State is confined to certain described bounds. It appears, therefore, to me, that the dispute of boundary is the only one that exists, and that being removed, all further difficulties would be removed also, and the matter terminated to the satisfaction of all parties. Now I would ask you candidly, whether the claim of the people of Vermont was not, for a long time, confined solely, or very nearly, to that tract of country which is described in the resolve of Congress of the 21[st] of August last; and whether, agreeable to the tenor of your own letter to me, the late extension of your claim upon New Hampshire and New York, was not more a po-

litical manœvre, than one in which you conceived yourselves justifiable. If my first question be answered in the affirmative, it certainly bars your new claim. And if my second be well founded, your end is answered, and you have nothing to do, but withdraw your jurisdiction to the confines of your old limits, and obtain an acknowledgment of independence and sovereignty, under the resolve of the 21st of August, for so much territory as does not interfere with the ancient established bounds of New York, New Hampshire and Massachusetts. I persuade myself you will see and acquiesce in the reason, justice, and indeed the necessity of such a decision.

You must consider, Sir, that the point now in dispute is of the utmost political importance to the future union and peace of this great country. The State of Vermont, if acknowledged, will be the first new one admitted into the confederacy; and if suffered to encroach upon the ancient established boundaries of the adjacent ones, will serve as a precedent for others, which it may hereafter be expedient to set off, to make the same unjustifiable demands. Thus, in my private opinion, while it behoves the delegates of the States now confederated, to do ample justice to a body of people sufficiently respectable by their numbers, and entitled by other claims to be admitted into that confederation, it becomes them also to attend to the interests of their constituents, and see, that under the appearance of justice to one, they do not materially injure the rights of others. I am apt to think this is the prevailing opinion of Congress, and that your late extension of claim has, upon the principle I have above mentioned, rather diminished than increased your friends; and that, if such extension should be persisted in, it will be made a common cause, and not considered as only affecting the rights of those States immediately interested in the loss of territory;—a loss of too serious a nature, not to claim the attention of any people. There is no calamity within the compass of my foresight, which is more to be dreaded than the necessity of *coercion* on the part of Congress; and consequently every endeavour should be used to prevent the execution of so disagreeable a measure. It must involve the ruin of that State against which the resentment of the others is pointed.

I will only add a few words upon the subject of the negotiations, which have been carried on between you and

the enemy in Canada and in New York. I will take it for granted as you assert it, that they were so far innocent, that there never was any serious intention of joining Great Britain in their attempts to subjugate your country; but it has had this certain bad tendency—it has served to give some ground to that delusive opinion of the enemy, and upon which, they in a great measure, found their hopes of success; that they have numerous friends among us, who only want a proper opportunity to show themselves openly; and that internal disputes and feuds will soon break us to pieces. At the same time the seeds of distrust and jealousy are scattered among ourselves by a conduct of this kind. If you are serious in your professions, these will be additional motives for accepting the terms which have been offered, (and which appear to me equitable) and thereby convincing the common enemy, that all their expectations of disunion are vain, and that they have been worsted at their own weapon—deception.

As you unbosom yourself to me, I thought I had the greater right of speaking my sentiments openly and candidly to you. I have done so, and if they should produce the effect which I most sincerely wish,—that of an honorable and amicable adjustment of a matter, which if carried to hostile lengths, may destroy the future happiness of my country—I shall have attained my end, while the enemy will be defeated of theirs.

Believe me to be, with great respect,
Sir, your most obedient Servant,

GEORGE WASHINGTON.

Thomas Chittenden, Esquire.

Reward for taking Samuel King.

[P. 321.] *Advertisement.*

Four Hundred Silver Dollars Reward To Any Person or Persons that Brings Samuel King of Chesterfield to Exiter in the State of Newhampshier & there Confine Him in Gaol, or Have Him the said King Before the Committee of Safety of s[d] State; As said Sam[l] King was taken Prisoner By Vertue of a Warrant to the Subscriber Derected &

Conducted under a Proper Guard Twenty Miles, s^d^ King at the Town of Keen By a Number of Men Armed w^h^ Clubs Sword & Staves w^h^ Captains Farebanks, Davis, Pratt, Pomeroy & Harvie of Chesterfield at their Head & Capt Carslil of Westmoreland w^h^ a Small Partie which Parties Did on the Morning of the first Day of Jan. 1782 By Voialance Ressque the said Samuel King Prisoner from

ROBERT SMITH, Special Sherif.

Mr. EPHRAIM WITHERELL—S^r^ if Posable Aprehend the Bodies of Isaac Grisold & Mosas Smith & them Bring Before the Committee of Safety at Exeter & you shall Have an Adequit Reward from

ROB^t^ SMITH } Special
JONATHAN MARTIN } Shirivs

A Copie.

Letter from Capt. Joseph Burt to President Weare.

[P. 323.] HONERD SIR—

This moment Two men from Chesterfield who made their eskape from the mob who after they had Resqued Sam^l^ King from the officer Returned to Chesterfield and aprehended Lieut Roberson and two others who they seemed Determined to Treet according to the Costom of Vermont, that is By whiping them, whether they Realey will venter upon that Bisness is very uncertain to me: But they have actualy Drivin many of the good subjects of the State from their Homes in this Coald Night: Mr. Bingham's sone is one of the men that have Come to my hous for Shelter who I have this account from—who expected to have found his father here with a Nother man who made their Escape they have not been here and I am sum concerned for them: the triumps of the Vermonts is grate and say that New hampshir Dare Not come like men in the Day time But Like a theaf and steele a man or two a way: Your Honor cannot Be insensable of ower situation. I would Not wish to Dictate But Pray that some thing may Be Don that shall Be for the Releff of the good subjacts in this Part of the State and for the good of the State. I thought it my Duty to inform your Hon^r^ as it is Not

likely that any other Person will Be informed that will Right to your Hon^r By the Post:

I am Sir your
Hon^rs most obediant
Humbel Serv^t

JOSEPH BURT.

Westmorland January 1^st, 1782
at 12 oclark at Night
Hono^r President Ware, Esq^r.

N. B. You will Excuse the wrighting Being Calld out of Bed in a Coald Night.

Letter from Gen. Bellows to President Weare, relating to the rescue of Samuel King by a mob.

[P. 325.] Walpole, Jan^ry 2^d, 1782.

SIR—

I have often troubled you with a Narative of our Distresses and difficulties in this part of the State, notwithstanding I presume you, and the rest of the Hon^ble Com^tee of Safety will exercise your wonted indulgence while I give an Account of some new difficulties arising upon the officers attempting to convey one Samuel King of Chesterfield to Exeter: which Rescous you will have an account of before this reaches you. Upon the return of the Mob, after proper refreshment at said King's they sought for all those Persons, who were any way concerned in assisting the aforesaid officer, some of which they got into their hands and have abused in a shameful and barbarous manner by Striking, Kicking, and all the indignities which such a Hellish pack can be Guilty of, obliging them to promise and engage never to appear against the new State again;—and this is not all; they sware they will extirpate all the adherents to New Hampshire, threatening to Kill, Burn and Distroy the Persons and Properties of all who oppose them; that the Friends to this State, can not continue at said Chesterfield with their Families, but are obliged to seek an Asylum in other Towns among the Hampshire People. I have two respectable Inhabitants of said Chesterfield now sheltering themselves under my roof; who I have the Greatest reason to think would be Treated by

them in a barbarous manner were they in their Power, as they have stove the Doors and Broke up Houses in search of them. I am credibly informed that there is in said Chesterfield about an Hundred Persons who support said King, who Damn New Hampshire and all their authority [P. 327.] to Hell, and say they (New Hampshire) can do nothing only in a mean under handed way; in short, they Defy all the authority and force of the State, and are determined to support and maintain their usurped authority maugre all attempts that have or shall be made to curb and restrain their usurpations. The wrath of man and the Raging of the Sea are in Scripture put together, and it is He alone who can rule the latter and restrain the former.

I hope and trust the Author of Wisdom will direct the Hon^ble^ Committee to such measures as will ultimately tend to the peace and happiness of this part of the State, and more especially those adherents to New Hampshire who are in a sense suffering for Righteousness sake.

I am, with all Esteem and respect
Your most Obedient Humble
Serv^t^ BENJ^a^ BELLOWS.

Hon^ble^ Meshech Weare, Esq^r^.

State of New Hampshire. } In Committee of Safety Exeter 7^th^ Jan. 1782.

L. S.

To the Keeper of the Gaol in Exeter.

[Letters of Com. of Safety, p. 122.]

Whereas Nathaniel Sartel Prentice of Alstead in the County of Cheshire Esq. has been apprehended on suspicion of being guilty of sundry practices inimical to this State and brought before this Committee—Upon examination it appearing that he has, within this State, acted as an Officer under the pretended and usurped Authority of the State of Vermont so called, in apprehending and confining the Sheriff of the County of Cheshire when in the execution of his Office and other things subversive of the peace of this & the United States—

You are therefore hereby required in the name of the Government & People of said State to receive the said Nath[l] Sartel Prentice into your Custody and him safely keep untill he shall be discharged by the Committee of Safety or by due Course of Law.

M. WEARE.

[P. 123.] Hampton falls Dec 4[th] 1782–[1781?]

DEAR SIR—

I received your favor of the 6[th] of Novem[r] ult[o] respecting this State's proportion of the Tax proposed to be raised by the United States for defraying the charges of the ensuing year which was immediately laid before the General Assembly then sitting, who are fully convinced that we shall be taxed greatly beyond our just proportion by the number of Inhabitants which Congress have taken to settle each State's Quota and have directed me to write you on the affair, which I shall do as soon as I can procure the accounts of the number of Inhabitants in this State which have been taken or any other matter which may serve to give light in the affair.

I have also received your favor of the 13[th] ult[o] in which you mention that you had heard nothing from Vermont respecting their Compliance with the Resolutions of Congress. I now inclose you copies of the Proceedings of their General Assembly at a session which they held at Charlestown (N° 4) in October last transmitted to this State. Altho' it is probable that before this reaches you, Congress will have received copies of the same. By which it appears, that they are determined to pay no regard to any Resolutions of Congress but to support themselves upon their own Authority. How far such proceedings will endanger the peace of all the United States, Congress will judge.

You see they have proposed settling Boundaries between them and New Hampshire by a Committee which on their part they have chosen; But this method our General Assembly have rejected, I think with good reason. For should we comply with that proposal it would be acknowledging them an Independent State which (I think) we have no right to do, but is a matter proper for the determination of Congress only. It would moreover be acknowledging them

a State on both sides the River, for as such they now act, and in that case, upon what principles any boundary Line could be settled I know not, they may (for any thing I can see) as well claim the whole of the State as what they now do, for what they tell about the Grants is a mere Device of their own without any foundation, for Mason's Patten, you well know, was a grant of the soil only and had no relation to Jurisdiction or Government. But their Temper, Disposition, high handed Proceedings and injurious Treatment of such Persons, as do not Join with them, and their Contempt of the Authority of this State will more fully appear by their proceedings in imprisoning Messrs Bingham & Grandy as appears by the papers laid before the General Court, Copies of which, I inclose to you; Upon considering of which the General Court ordered Col° Hale the Sheriff of the County to liberate them from Gaol and what followed in consequence of this going to execute the orders of the General Assembly. You will learn from Gen¹ Bellow's Letter which I have just received by Express, Copy of which I likewise inclose—It is impossible as yet to determine to what length they will carry matters, and what alarming Consequences may follow—This State have hitherto, for the sake of maintaining peace and in hopes of a speedy determination of Congress forborn, exercising Jurisdiction over those, who have pretended to join with Vermont; We have not made distress for Taxes, tho' a great part of the Towns of the Counties of Cheshire & Grafton have refused paying any Taxes or contributing to the support of the War, which has greatly embarrassed our affairs and rendered it extremely difficult and in some cases impracticable for us to comply with the Requisitions of Congress—It is now absolutely necessary for the state to exert our authority to relieve our Fellow Citizens, distress'd, threatened and dragg'd to Gaol and to oppose such illegal and altogether unjustifiable proceedings; and I cannot doubt but Congress will support us herein, and grant us such assistance as may at any time, be necessary for supporting us as one of the United States agreeable to their Resolutions and Guarantee.—You will doubtless inform Congress of these proceedings of the Vermonters and take their advice respecting our Conduct, we have submitted the matter to them and Rely on their supporting us in our just Claims and earnestly request they would make a final Settlement and Determination in the affair—Shall be

glad to hear from you respecting this matter as speedily as may be. I am &c.

M. W.

[Probably written to Samuel Livermore.—Ed.]

[P. 130.] *Letter from Meshech Weare to Samuel Livermore.*

Hampton Falls, Dec^r. 10, 1781.

Dear Sir—

In my letters of the 4^th Inst I gave you some account of the proceedings of some of the Vermont Officers in imprisoning Col^o Hale the Sheriff of the County of Cheshire; Since which Orders have been given for raising the Militia to liberate them, what the consequence of this may be, I am not able now to inform you, perhaps may in my next.

I now inclose you a Copy of a Petition of Capt Eben^r Green to the General Court with their Vote upon it which is all the information I can give you of the matter—You will please to lay them before Congress for their Determination.

I likewise inclose you a Copy of a Return of the number of Inhabitants in this State taken by the Selectmen of the several Towns & Parishes in the year 1775 and Return made under Oath, except a few Places where for want of Selectmen or some other impediment or neglect the Returns were not made the Number of Inhabitants in these places were estimated from the best information could be obtained from Persons fully acquainted and capable of judging very nearly what numbers were in each; These Numbers are but few, and the numbers at which they were estimated are set down in the last Column but one, which makes the whole Number of Inhabitants at that time 82,200, which from former accounts and estimates taken as well as from the Integrity of the Persons employ'd to take the account I am fully satisfied is the extent of the Numbers we then had.

There was an account sent to our Delegates in Congress in the year 1775 of the number of Inhabitants as near as it could then be obtained, many towns had not then made their Returns, who have since made them, so that, that account was made more by estimation than that which we now have, which probably may make some variation between them,

that I think amounted to about 80,000, and if in settling our Quota of the Tax, the number of Inhabitants in this State are supposed to be more at that time than what is contained in the inclosed Return we shall certainly be so far taxed beyond our just Proportion. Moreover, as far as I can Judge from all former estimates and accounts which I have had of the number of Inhabitants in the different States (if the Numbers mentioned in your letter, be the Numbers by which the several Quota's are settled) we shall be much too high in proportion with other States, if our Numbers are set at 82000.

And when in addition to this I consider our situation with respect to the great numbers in the Counties of Cheshire & Grafton, who under Pretence of joining with Vermont have hitherto and still do absolutely, Refuse to pay any part of the Taxes of this State, I think it absolutely impossible to comply with the Requisitions made by the Financier, which I received by the last Post, and shall lay before the General Assembly, who are to convene next week, who doubtless will deliberate on the matter and come to some Determination of which you will be informed.

I am &c.

M. WEARE.

Sam[l] Livermore Esq.

Hampton-falls Jan. 21[st] 1782.

[P. 132.] Dear Sir

By reason of a fall which I met with from my horse I was prevented from attending the General Court for some time, On which account Capt Langdon was desired to forward to you a Copy of the vote of the Court for Continuing you a Delegate for this State which I trust you have received.

I was in hopes Capt Langdon would have set out for Congress before now, in order to join you and on that account have omitted writing to you for sometime past, as he would have been able to give a full account of the situation of our affairs. But his private affairs not admitting of his proceeding at present, there are two other Delegates chosen Mr. John Taylor Gilman and Col[o] Walker but neither of

them can go forward at present. But I am in hopes that Capt. Langdon will be able to settle his affairs so that he may set out for Philadelphia in a short time. We are very desirous that one of our Delegates should go forward as soon as may, as it is of great importance not only to this but (as I apprehend) to all the United States that Congress should be fully informed of the Conduct of those, who profess to belong to Vermont, which cannot be so well done by writing as if some Person were present, who may be able to give a general Account of it, and Circumstances relative to it.

In my letter of the 10th of Decr I informed of the Conduct in imprisoning Col Hale, the Sheriff of Cheshire County, who was sent by Order of the General Court for liberating Messrs Bingham & Grandy. Upon information of their proceedings respecting Col. Hale, Orders were issued for apprehending Mr King, the justice who sign'd the Mittimus for committing Messrs Bingham & Grandy, And also for apprehending Messrs Giles and Prentice, who signed the Mittimus for committing Col Hale. King was taken and bro't part of the way, but a mob was soon raised, who pursued and Rescued him from the Officer, and afterward Shamefully abused many of those who they took to be friends to New Hampshire by insulting, kicking and threatening them in such a manner that they could not think themselves safe in their Habitation but were obliged to flee elsewhere for protection. One man was struck with a sword over his head, very badly wounded and narrowly escaped with his life, and I am inform'd that a mob of twenty men have kept together ever since. Esq Giles has been twice taken and Rescued.

Upon a Representation of these proceedings of the Mob, being made to the General Court with Earnest Sollicitations from the injured persons for Redress, the Court tho't they were bound in duty to protect the Citizens of the State from insult, and to support their Officers in the exercise of the Duties of their respective Offices and in Order to this they are driven to the disagreeable Necessity of raising an armed Force as there was no prospect that any other measures would be of any avail, they have therefore ordered 1000 men to be raised. On what account they are raised

will appear by the Proclamation issued by Order of the Court, one of which I inclose.

I could not have tho't after the Resolutions which Congress have pass'd relative to these affairs that the Authority of Vermont would have proceeded so far as not only to deny the Authority of Congress in the matter (unless they would please to settle it in the way which Vermont Assembly is pleas'd to point out) But also undertake to support their pretensions by force of Arms, against Congress and every body else. Yet this seems to be the purport of Gov^r^ Chittenden and Mr Payne's Letters, Copies of which I inclose.

The men voted by the General Court for protecting our Citizens & Magistrates in the execution of their Offices are not yet raised, and I most ardently wish that something might be done that might prevent the necessity of their being rais'd. But nothing I conceive will be sufficient for this end but the speedy & final Determination of Congress on the matter, which I doubt not you will endeavour to obtain. I need not inform you how impossible it is for us in this Situation to comply with the Requisitions of Congress respecting other matters, or how great Difficulties this makes in our own affairs, these must appear evident. I wish to hear from you as speedily and as fully as you can inform me, what is done or likely to be done respecting this matter.

I am &^c^

M. Weare.

Hon^ble^ Samuel Livermore Esq.

Letter from Wm. Page, in Gaol at Exeter, to Elisha Payne.

[p. 329.] Exeter, January 8, 1782.

Dear Sir—

I have requested for liberty to go home but whether I shall be able to obtain it is uncertain—I am unhappy to find things in such a distracted scituation, no man whishes to prevent the present measures more than I do—the minds of the people in this part of the State are much sowered against those that have taken up government under the State

of Vermont—what shall I say,—the Gen[l] Court are determined not to listen to any thing but absolute unconditional submission to the Government of New Hampshire, and since Col[o] King has been taken and been Resqued and sundry letters and Representations from that part which I suppose are Agrevated, the Gen[l] Court have ordered two Thousand men to be Raised immediately in the Counties of Rockingham and Strafford & March them to Subjugate the People in the Counties of Cheshire and Grafton; I understand that a Proclamation is to be Issued and a Standard Erected and whoever Refuses to submit to the authority of New Hampshire to be subjected, should this method be proceeded What a scene of distress will open on my friends who appear to me to be inocent and what distress on those that live in that part which are friends to New Hampshire for it will be Equilly distressing to both parties. Contentiones of this kind will Ruin Society. I have mentioned to some of the Assembly that if the Matter could be put off untill a final determination of Congress could be obtained, the difficulties might subside, as the Resolution New Hampshire principally depend on is not final, nor sufficient to dissolve the Engagements we are under to Vermont, and to Attempt to drive people into Submission under such circumstances to say no more of it is hard. I wish that feel-
[P. 330.] ings of Humanity, and as much Consideration as can be consistent with Honour might take place on both sides. I am sorry to find that all our conduct is misconstrued, and our proceedings misrepresented. Who could have thought that after we had by our delegates informed Congress that our scituation was such that we could not dissolve the union with Vermont, and desired Congress to Recognize the old limits of Vermont and have the lines settled between the two States agreeable to the mode prescribed by the Articles of Confederation for the settlement of disputes of this Nature, I say, who could have thought after all this, that it would have been said we had Renounced the authority of Congress: And why Congress took up the matter and left it undetermined, and ordered the people to do what was not in their power is to me unaccountable. I wish I could Express my feelings on the subject. Are we to be Killed for not understanding a matter Right, or not doing what was [not?] in our power to do—

In addition to what I mentioned in my last, have to observe that at the last Sessions of the Assembly of New Hampshire, the honest deacon Moses Robertson* was down and motioned to Gen[l] Folsom and others this plan of settling the dispute between Vermont and Hampshire or Rather to carry into Execution the Plan proposed by the legislature: if you, said he, will appoint a Number of men to joyn a Number we shall chuse to settle the line between us, I will engage our men shall give it in your favor—and [P. 331.] you know who to Appoint; we never had it in view to take the East side of the River only to get Rid of them the first opportunity—who can Justify such conduct (you know this is not the sentiments of the people) I fear the sending the Troops will prevent the method being procured to our advantage as hinted at in last letter by Gen[l] Enos.

I am, Sir, your most Obed[t] Servant

WM. PAGE.

P. S. The whole State of New Hampshire are to hold themselves in Readiness to march if Required.

His Honor
Gov[r] Payne, Esq[r].

Resolve to send an armed force to the Western part of the State.

[P. 333.] State of New Hamp[r] } In the House of Representatives, Jan[y] 8[th], 1782.

The Committee of the whole, reported as their opinion, "that an armed Force be immediately raised and sent into the western part of this State for the defence and protection of the Inhabitants there, and to enable the civil officers to exercise their authority in that Quarter: That the said armed force consist of one thousand men, including officers; That a Proclamation† be issued & forwarded to the several

* Dea. Moses Robinson was of Bennington, Vt., holding many offices of honor and trust, both in the town and state. He was at one time governor. (See biog. notice of him in Vol. I, Gov. & Coun. Rec. Ver., p. 128.)—ED.

† The editor has searched in vain for a copy of the proclamation, which no doubt was issued at this time.—ED.

Towns & places in the Western parts of this State, setting forth the reasons for raising said armed force, & that Woodbury Langdon Esq^r or some other Delegate be immediately sent on to Congress to make a true representation of our present proceedings."

The foregoing report having been read & considered Voted, That the same be received & accepted.

Sent up for concurrence.

JOHN DUDLEY, Speaker, P. T.

In Council the same day read and Concurred,

E. THOMPSON, Sec^y.

Proportion of men to be raised, as an armed force to be sent to the western part of the State.

[See Vol. VIII, State Pap. N. H., p. 926.]

In the House of Representatives, Thursday, Jan^y 10, 1782.

Vote to accept the report of the Committee on proportioning the men to be sent to the western part of the State: to wit. "That the men already voted for that service, shall be raised by draught or otherwise out of the following Regiments, (viz.) Col^o Wentworth's, Col^o Evans', Col^o Moulton's, Col^o Gilman's, Col^o Gale's, Col^o McClary's, Col^o Stickney's, Col^o John Webster's, Col^o Bell's, Col^o Lovewell's, Col^o Kelley's & Col^o Enoch Hale's—to be apportioned by the Maj. Gen^l of the Militia according to the numbers in each Regiment, including the alarm list; That they be formed into two Regiments, each Regiment to be commanded by two Field officers, viz. one Colonel or Lieutenant Colonel, and one Major; that each Regiment consist of six companies, to be commanded by one captain, one Lieutenant & one Ensign, & a suitable proportion of non-commissioned officers; That the whole be commanded by a General officer; That a suitable person be appointed to purchase or collect provisions for the supply of the Troops, & that those Towns in the westerly part of the [State] that shall supply any provisions, shall be allowed for the same out of their outstanding Taxes, or the Tax for the currrent year; That the pay

and rations be the same as are allowed the officers & soldiers in the service of the United States."

Sign'd

JOHN MCCLARY.

The same day, Jan. 10, 1782, a vote was passed for raising men to guard the western and northern frontiers, to wit:—ED.

[State Pap. N. H., Vol. VIII, p. 927.]

Voted That Col° Charles Johnston be impowered to raise twelve men as a scouting party; That the place of Rendezvous be at Haverhill, and that he be desired to call on the Town of Haverhill for supplies for the men; and that Col. David Page, to raise twelve men as a scouting party for Shelburne and the Upper Coos, & that he be desired to call on the Town of Conway or any other Towns in that quarter for supplies for the men; That each of said scouts be officered with one Sargeant; That the officers and men have the same pay and rations as in the Continental army—their pay to commence from the time they enter on actual service, and to be discharged the tenth day of April next; the said men at Haverhill to be under the direction of Col° Charles Johnston: Those men for Shelburne & Co'os to be under the direction of Col° David Page.* Signed—John McClary for the Com^tee.

[MS. Journ. of the House of Rep., pp. 224-227.]

[Col. Israel Morey, as it appears, neglecting his duty as commander of his Regiment, upon report of a Committee—(see MS. Journal of the House, Jan. 11, 1782) it was Voted, "That Lieut. Col. Charles Johnston be directed to take the command of Said Regiment until further order of the General Court."

On the same day, it was voted, That the Hon^ble Maj^r Gen. John Sullivan be appointed commander of the Forces now to be sent to the western part of the State: That Lieut Col. Daniel Runnels take the command as Colonel of one of the said Regiments; That Lieut. Col° Thomas Bartlett, take

* Col. Johnston resided at Haverhill, and Col. Page at Conway. —ED.

the command as Colonel of one of the said Regiments; That Majr George Gains be a Major, and that Majr Samuel McConnell be Major of one of said Regiments.*

On the 17th of January, it was Voted, That the whole matter of sending an armed force into the western parts of the State, be referred "to the Committee of Safety, and that they be impowered to raise & march them at such time as they shall think proper."]

Letter from Samuel Livermore in Congress to President Weare.

[P. 337.] Philadelphia, Janr 8th 1782.

Dear Sir

Nothing material has occurred since my last. Congress are come to no determination concerning Vermont. They are much divided in opinion about the Steps that ought to be taken. However the Committee on that subject have at last reported. The substance of the report is adapted to carry into execution the Resolution of the 20th of Augst last; by giving Vermont an opportunity to revise their doings in Octo and renouncing their late acquired jurisdiction on the east of the river, &c. 'Tis proposed to send a commissioner from Congress to treat with them & to explain matters: and to denounce terror in case of their not complying. Whether this report will be accepted is uncertain; and the effect on the Vermonters is alike uncertain.

The report is to be taken up soon. I am Very Anxious about the event of this matter.

I am Dear Sir your friend and most
obedt servant

Samuel Livermore.

Hon. Meshech Weare.

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* It does not appear that the forces contemplated were ever called into actual service.—Ed.

Letter from President Weare to Samuel Livermore, Esq.

[From MS. letters in Library of N. H. Hist. Soc.]

Hampton Falls, Jan^{y} 29, 1782.

Dear Sir,

I received your favors of the 1st and 8th Instant by the last Post. I am glad that Congress have the affairs of Vermont under consideration. I hope the matter will be pursued until a final settlement is made. I think the honor of Congress, the interest of the United States as well as the peace of this State in particular call for the final resolution of Congress on this matter. The conduct of the Vermonters is astonishing to me: that when Congress had given them so fair a prospect of being made a separate state and received into the Union upon their renouncing all claim east of Connecticut river, that they should reject this proposal and wholly deny the authority of Congress in the matter, for the sake of keeping up a claim East of the River, for which they have not a shadow of foundation. How far the British councils may influence them in this matter I will not pretend to say, but there is no doubt but they have been negotiating with the Britons on some plan or other. Mr. Allen was twice at Canada and once at New York last Summer as I am well informed. I doubt not but Congress will make full inquiry respecting their conduct and come to a final determination. I have heard nothing respecting their conduct since my letter by last Post. Probably may give you some further account in my next.

I am with much respect

Y^{r} Hum^{l} Serv^{t}.

M. Weare.

Letter from General Bellows to Meshech Weare, relating to Doct. Wm. Page's release.

[P. 339.] Walpole, Jan^{y} 10th, 1782.

Sir—

I was informed by General Enos on his return from Exeter, that it was probable Doc^{r} Page would be allowed to return in a short time, and further, he recommended to the Inferior Court of Common Pleas, siting at Charlestown, to Write the Hon^{ble} Assembly or Committee of Safety, advise

them to allow it so to be, supposing it would have a good effect respecting our disturbances; what the sentiments of the Court may be, I cannot certainly say, but I can say, I imagine it would have a different effect. I take it to be good policy, that in order to suppress Insurrections, the Leaders of the insurgents are to be apprehended and kept from the mob if Possible. I am very far from wishing ill to the Doc^{r}, desiring his being kept from his Family and friends any otherwise than for the Public peace and Tranquility; the mob want nothing but a leader, to cause them to perpetrate the most shocking outrages; the apprehending some of the Commanders and the attempts upon others, have had no bad effect; the people seem cooler and more fearful—to this it is owing in my opinion that the Court hath set peaceably and done business at this Term in this County. One Court of Common Pleas is sufficient for this County, consequently one Sheriff. Should the Doc^{r} be Liberated, undoubtedly there will be an attempt in February to hold a Vermont Court at Charlestown, which would be attended with bad consequences: it would Destroy the good we experience, and prevent the Further advantage we expect from the late spirited measures of the authority of this State. The Sheriff took Esq^{r} Giles about ten days [p. 341.] since, but was rescued. The Sheriff is this day in pursuit of him again.

I am with esteem Your Honor's most
Obedient Hum^{bl} Serv^{t}.

Benj^{a}. Bellows.

Hon^{ble} Meshech Weare.

Letter from Col. Enoch Hale to Meshech Weare, relating to the rescue of Esquire Giles, and his own seizure by the mob.

[p. 343.] Walpole, January y^{e} 11th, 1782.

Sir—

I once more venture to Trouble your Hon^{r} with a few Lines as I think it to be my duty to Give the earliest Inteligence in my Power of the conduct of the People in our unhappy County. Sir, as General Bellows has Rote I shall omit many things that I should otherwise have men-

tioned. Could ownly wish to mention the Particular Circumstances of Esquire Giles being Resqued from me a Second Time—and to give the true character of the Inhabitants of the Town of Charlestown, where we are under the disagreeable Necessaty of Holding Two Courts in a year without the least help from them or any Town in that Quarter, respecting Jurors &c. and have to undergo the further mortifycation of well Known Combinations Consulting the overthrough of our Courts and the Imprisonment of the officers of the same. But any further on that head I forbear.

Sir, I have had great oppertunity of hearing the People in that part of the County finding fault with every movement of our General Assembly—when they thought the militia was coming out, they *said,* Why should the People all suffer for the Rash Conduct of some of there Civil officers, and seamed to condemn the measures they had taken—*but,* when the Assembly seamed to comply with their own wishes they must still find fault and said, Why do they make night work of it, let them com like men by day light and they would not met with any dificulty—but still I find what dont sute the will can never sute there hand. It hapned on the Tenth Instant that I took Esquire Giles about twelve miles up the River and Brought him down to Charlestown in open day light, and on my arrival Just at Evening the People collected and arrested him out of my hands in a most extroydinary manner and all deaf to my commands for assistance, notwithstanding many ware Present that had been our Pretended frinds. They son [P. 344.] after held a Consultation for Taking and Carrying me to Bennington, but fearing that would not so well sute, they sent me their Judas to advise me as a frind to make my escape immediately to avoid Going to Bennington. I gave for an Answer that if that was their intention I would Tarry all night. But in the morning I had a second mesage that they would be Ready for me in half an hower. I gave for Answer that that would be time enough for me to take breakfast, which I then called for—and after breakfast I had another mesage that if I did not make my Escape they would Catch me before I got three miles, for which he should be very sorry. I gave for answer that I should have the less way to come back—but if I was not molisted I ment to set out for hom soon, but finding that

all their stratigems would not Prevent my Taking breakfast and leaving the Town in an open and Publick manner, they then Rallied all their forces that was Near at hand to the amount of about forty men and a Pretended deputy Sheriff at their head; but for a frunt Gard they Raised some of their most abelist women and sent forward with some men dressed in Womens apparril which had the Good luck to take me Prisnor, put me aboard one of their slays and filled the same with some of their principal women and drove off Nine miles to Williams Tavern in Warlpole, the main body following after with aclimations of Joy—where they Regailed themselves and then set me at liberty Nothing doubting but that they had intirely subdued New Hampshire.

Sir, you will pardon me for Righting this Extroydinary letter; I should not have don it had I not been desierous that plane Facts of there conduct might be Known. Some go in fear, and all good subjects of New Hampshire Grone under the burthen; it has become a serious matter and a Remedy much wanted—and in full beliefe that the wisdom of the General Assembly will be surficient to direct them I Rest Assured and Remain your Hon^rs most

Obedient and most Hum^bl Servant

ENOCH HALE.

Hon^ble Meshach Weare, Esq^r.

Another Letter from Col. Enoch Hale.

[P. 345.] Marlborough, January y^e 12^th, 1782.

SIR

I am now returning hom To see my family which I have not seen since the 26^th of Nov^r. I may not Expect to Tarry long with them as the outrages in our unhappy County increase with so much Rippidity—I am willing however to spend the Remaining Part of the winter in the Servis of my Country if I might be able in any degree to Releave the distressed among us.

Sir, I had forgott in my letter of the 11^th Instant to inform your Hon^r that I Never Received any order from the Hon^ble Committee of Safety as mentioned in the Act of the General Assembly of the Twenty Eighth of November last past, which has been a great hinderance in my

Progress, for after outrages had been committed I might have secured several of the Perpitrators of the same, had all our good subjects been fully convinced that my authority had been surficient, which I think would had a very Great Tendency to Check those that have been so fon of Resquein Prisnors.

I am Sir with much Respect
Your Honour^{s} most Obed^{t} Hum^{ble} Servant

ENOCH HALE.

Hon^{ble} Meshach Weare Esq^{r}.

Petition of sundry inhabitants of Claremont, praying for speedy relief from difficulties of Vermont interference.

[P. 347.] To the Honorable General Assembly or Committee of Safety for the State of New Hampshire:

We, the Inhabitants, as individuals, of the Town of Claremont Laboring under great Difficulties on account of the pretended claim of Vermont, & not being able to Hold Town meetings under New Hampshire, we Humbly Request Directions how to proceed, as we are threatned in person & property, by their taxes and Laws, which we utterly refuse to submit too, they carry so High a hand that we must have a speedy relief or must submit to their Jurisdiction which will be very grievous to your petitioners and therefore we Humbly pray for a speedy answer. We are short in words & perticulars as being sensible you are in some measure knowing to our circumstances, & we your petitioners in Duty Bound shall ever pray.

Claremont, Jan^{y} 14, 1782.

Elihu Everts
Henery Stevens
Rosewell Stevens
Reuben Petty
Josiah Rich
John Peckens
Wm. Strobridge
Gideon Lewis
David Rich
Josiah Stevens
Elihu Stevens
T. Sterne
Jesse Matthews
Thomas Jones
Joseph Ives
Bartlitt Hinds
John West.

Letter from Samuel Livermore to President Weare.

[P. 351.] Philadelphia, 26th March, 1782.

Dear Sir—

I have recd your favour of the 12th instant informing me that Vermont had receded from their late encroachments. [See next note by the editor.] I had heard this frequently by common report; but there is no official account of it in Congress. The Comtee upon your letter about the 5 million dollers & quota of the 8 million have made a report plumply against us.

I have got a day assigned for debate which is next Monday. As I suppose we shall soon hear from Vermont in a manner that will end that tedious business, I hope to see you in May. There is no news from Charlestown since my last. Gen. Washington is gone to North river.

I have the honour to be your
most obedient Servant,

Samuel Livermore.

Honble President Weare.

From the same.

[P. 353.] Philadc, 26th March 1782.

Dear Sir—I am this moment desired to send you the enclosed which will speak for itself. My letters being sealed & sent to the office.*

Your most obedt servt

Samuel Livermore.

Hon. Prest Weare.

Note by the Editor.

The action of Vermont, referred to in the foregoing letter from Mr. Livermore, is fully reported in the Rec. of Gov. and Coun. of Vermont, Vol. II, pp. 379–383, and in Slade's State Papers, pp. 168, 169,—from which it appears that, on the 19th of February, 1782, the General Assembly of Vermont, in session at Bennington, resolved itself into a

* What the "enclosed" paper referred to does not appear.—Ed.

committee of the whole to take into consideration the action of Congress of the 7th and 20th of August last, His Excellency Gov. Chittenden in the chair; that then letters were read relating to the matters in controversy, and particularly the letter from Gen. Washington of January 1, 1782 [see *ante*, p. 462], which evidently had much influence with the whole body. On the 20th inst. the committee adopted the following resolution, viz.:

"*Resolved*, That in the opinion of this Committee, Congress, in their resolutions of the 7th and 20th of August last, in guaranteeing to the respective states of New York and New Hampshire all territory without certain limits therein expressed, have eventually determined the boundaries of this State."

This resolution being accepted and adopted by the assembly, then, on the 22d inst., an act was passed "to relinquish the claims to territories therein mentioned;" and on the 23d it was

"*Resolved*, That the west bank of Connecticut River & a line beginning at the northwest corner of the Massachusetts State, from thence northward twenty miles east of Hudson's river, as specified in the Resolutions of August last, shall be considered as the east and west boundaries of this State, and that this Assembly do hereby relinquish all claim and demand to and right of Jurisdiction in and over any and every district of territory without said boundary lines; and that authenticated copies of this Resolution be forthwith officially transmitted to Congress and the States of New Hampshire and New York respectively."

This relinquishment of jurisdiction virtually ended the controversy between New Hampshire and Vermont, so far as related to boundaries; but still, as Dr. Belknap said in his history,—"Though cut off from their connexion with Vermont, the revolted towns did not at once return to a state of peace: but the divisions and animosities which had so long subsisted, continued to produce disagreeable effects."

SECTION XIII.

Border towns unsettled.

Resolutions of Committees of the Towns of Newbury, Moretown, Norwich, Hartford, &c.

[P. 355.] In pursuance of Votes passed and instructions given by the Towns of Newbury, Moretown, Norwich and Hartford lying on the N. Hampshire Grants so called west of Connecticut River, proposing to take some measures to be informed of the honorable Gen[l] Court of New Hampshire, whether a union of the territory aforesaid can be effected with the State of N. Hampshire, in consequence of their claim over the same, on terms honorable and mutually beneficial—and appointing Committees from those several Towns to meet at Thetford in order further to consult on the subject and gain information therein, in such way and manner as may appear most adviseable:

The said Committees being convened in consequence of the votes and instructions aforesaid—after mature deliberation came to the following Resolutions.

Resolved, That it evidently appears to be the wish and desire of the inhabitants of the towns above named as by their said votes and instructions is expressed, and also by good information it appears to be the desire of several other towns who have not had opportunity to be represented at this time—that the territory aforesaid or part thereof should be united with the State of N. Hampshire & be under its jurisdiction, provided it can be done on terms that may be honorable and mutually advantageous;—And that we therefore think it our duty to enquire of the said General Court of N. Hampshire whether agreable to their claim aforesaid, the territory or Grants above mentioned or part thereof may on such terms be united with & become a part of that State;

and that we imagine such an union might be formed to the general benefit, well-being and interest of the whole:

Resolved, that if the hon. Gen[l] Court of N. Hampshire are disposed or desirous to extend jurisdiction over the territory aforesaid or a part thereof,—they be earnestly requested to signify their disposition therefor to the several towns in their said claim as soon as conveniently may be; and also manifest their ideas respecting judicial and other proceedings under the authority of Vermont—cases now pending in [P. 356.] Courts &c.;—and if a reasonable adjustment of these last mentioned and other necessary matters can take place, we have full reason to believe and assert that the greater part of the inhabitants in said territory would readily acknowledge the authority of N. Hampshire;—expecting doubtless at the same time that some direction or assistance will be afforded in guarding the frontiers:

And whereas a negotiation or correspondence has been evidently—and from many circumstances we suspect is still carrying on—by persons in high office in Vermont with the british officers and Government, greatly prejudicial to the cause of America, and destructive of the final welfare of this country—whereby there is the utmost reason to fear and believe that many persons who are disposed and doubtless do harbour and give intelligence to our enemies, cannot be bro't to public justice under our present situation,—and other accumulated evils consequential thereto cannot now be remidied—

Therefore Resolved, That the Court of N. Hampshire be requested to order a number of troops to the defence of the frontiers—it being from many circumstances apparent that unless relief and assistance be speedily afforded from some quarter, the situation of these frontiers will be truly deplorable.

Resolved, That the following MEMORIAL be transmitted to and laid before the hon. Gen[l] Court of N. Hampshire together with these Resolutions, and that Abel Curtis Esquire*

* ABEL CURTIS, Esq., resided in Norwich; was a member of the Vermont Assembly in October, 1778, 1781, and 1782; was associated with Hon. Elisha Payne, Jonas Fay, and Ira Allen as an agent to Congress to solicit the recognition of the independence of Vermont, &c., 1782. He was judge of the Windsor county court in 1782–3.—ED.

be appointed agent to wait on that honorable Court with the same;—And that said Agent be desired and impowered to make or receive such further proposals agreeable to the tenor hereof as may then be judged beneficial and expedient.

MEMORIAL.

[P. 357.] To the honorable general Court of New Hampshire to be convened at Concord in and for said State on the second Tuesday in June next, the Committees aforesaid in the name and behalf of the Towns above named, beg leave to represent:—

That the Grantees and occupants of the greater part of the lands in the territory aforesaid were possessed of titles from the Governor of New Hampshire and in expectation of having continued under the jurisdiction of that Government.

That the people in said territory were very unexpectedly and disagreably involved in difficulties and calamities by being annexed to New York by the royal edict in the year 1764—out of which they ever were desirous & endeavored to extricate themselves—but without success, until after the memorable american revolution—when for their mutual benefit and protection against the efforts of internal and external foes—they were impelled by necessity to form into a separate jurisdiction.

That necessity and necessity only induced the inhabitants of the Towns above mentioned and many others to unite and continue under the new government—Being unjustly deprived of that jurisdiction and protection from N. Hampshire which they had a right to expect and enjoy. And while they have esteemed the Congress of the United States to be the guardians of the rights of a numerous & free people, and have been ready to stand forth in defence and support of the cause of America—they have for a long while looked to them for a settlement of our unhappy disputes, but hitherto to no purpose:

That while on the one hand we view with keenest anxiety a negotiation on foot with the british greatly to the detriment of the public cause and tending to our final ruin,

without a speedy remidy—which we are not at present in a capacity to obtain or afford—on the other hand we may view our rights violated in the most flagrant manner and [P. 358.] our liberties trampled upon by a number without rebuke or remorse—And therefore unless a number of men be raised or afforded for the defence of these frontiers, we must view their situation to be indeed very distressed and unhappy.

That altho' we would not wish to involve ourselves under greater disadvantages to obtain relief from our present troubles, we think it our duty nevertheless to inquire whether the jurisdiction of New Hampshire may not be as real as its claim, and whether the territory aforesaid may not be speedily united with and become a part of that State on such principles as may be honorable, mutually beneficial & advantageous to the whole—Being persuaded that the said territory on account of its fertility &c. may greatly add to the wealth and resources of New Hampshire.

The Committees aforesaid therefore beg that your honors would take the several matters herein before suggested into your wise consideration and rest assured you will pursue such measures thereupon as will eventually prove for the best good of New Hampshire and the territory aforesaid, whose interest ought doubtless to be inseperable.

Signed by order and in behalf of the Committees aforesaid, this thirty-first day of May in the year of our Lord seventeen hundred and eighty-two, and in the sixth year of American Independence.

BILDAD ANDROS,* Chairman.

NOTE.

[Upon the application of the five towns above named, action was taken by the General Assembly, as follows:—ED.]

[State Papers N. H., Vol. VIII, pp. 943, 944.]

Journal of the House, June 21, 1782.

Upon reading a representation from the Towns of New-

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* BILDAD ANDROS was a physician residing in Moretown, now Bradford, Vt.; he was a member of the convention at Windsor, 1777-8, that formed the first constitution of Vermont. See Rec. Gov. and Coun., VI., vol. 1, pp. 54, 55, 63.—ED.

bury, Moretown, Norwich and Hartford lying on the West side of Connecticut River as expressing their desire to be under the Jurisdiction of New Hampshire, in case they could be received upon such terms as were honourable & mutually advantageous, and also intimating that it would probably be agreeable to the Inhabitants of that part of the territory of Vermont that is situated to the Eastward of the heighth of Land, to join New Hampshire on the same terms:

Resolved, That although this State suppose they have a just title to the Territory called Vermont, which has long been controverted between this and the State of New York, Nevertheless, for the sake of peace and a good harmony with said State of New York, and to accommodate the said inhabitants east of the said heighth of land, this State is willing to extend their Jurisdiction over that part of the Territory called Vermont, that lays East of the said heighth of Land, provided the generality of the Inhabitants thereof shall desire it: Provided also, that New York will settle a Boundary line upon the said heighth of Land; and also, that in such case, this State will do whatever may be found useful & reasonable to be done towards establishing the proceedings of said District under the authority of Vermont, and also will afford them such protection against the common enemy, as the nature of the case will admit; and that the President be desired to inform the State of New York of our proceedings herein and desire their sentiments respecting the same. [Concurred by the Council.]

Letter from President Weare to Gov. Clinton of New York, relating to the foregoing Memorial.

[Gov. and Coun. Rec. Ver., App. B, Vol. III, p. 286.]

Hampton Falls, July 2d 1782.

Sir—

I have the honor of Inclosing to your Excellency a Resolve of the General Assembly of the State of New Hampshire pass'd in Consequence of a Representation from sundry Towns on the west side of Connecticut River.

Your Excellency is not Unacquainted with the many difficulties which have Arisen, both to this State and the

State of New York, by reason of the claim of Vermont so called, which matters have been submitted to the determination of Congress: But there does not at present appear a prospect of a Speedy Determination of Congress respecting the Matter. It is represented, that an Agreement between the States of New York and New Hampshire, respecting the Boundaries, might probably tend to bring the matter to an issue, and that the people in general between Connecticut River and the height of land, would be better satisfied to belong to New Hampshire than to Vermont, if Vermont could be made a seperate State. What the disposition of the people on the west side of the height of land may be, I am not able to say. If these difficulties could be settled to general Satisfaction, it would be happy. I am to request, Sir, that you would take the mind of your Legislature Respecting the Matter, and favor me with the result of their deliberations thereon, as soon as may be.

I have the honor to be with much Esteem and
Respect y^r^ most Ob^t^ & Hum^bl^ serv^t^.

MESHECH WEARE.

His Excellency Governor Clinton.

Letter from Thomas Sparhawk and Benjamin Bellows, relating to affairs in Cheshire County.

[P. 359.] To the Hon^ble^ Committee of Safety for the State of New Hampshire:

GENTLEMEN—It is with great concern we behold the spirit of opposition to the authority and measures of this State advancing with horrid strides within this County,—which is apparent from the conversation and conduct of too many in every Town. The friends of Great Britain have taken unwearied pains to seduce the common People from their allegiance, and herein have been too successful; and it is morally impossible to convince the People of their danger. The idea of the Tyranny of New Hampshire is immovably fixed. The General Assembly, the Compilers of the Constitution, and the Executive authority have combined together to enslave the People, of which, they say, they are fully apprized and are resolved to free themselves

from the shackles. They are determined to raise no men nor pay any Taxes for carrying on the war; this is a burden they cannot and will not bear; they have raised too much already for the great ones to pocket &c. a particular detail of conversation of this kind would fill a volume; a general run whereof you are not unacquainted with—shall not therefore trouble you with any more of it. We have great reason to think that coercive measures must be used in some if not in most of the Towns in this County to collect the Taxes. We were informed yesterday by two persons from Westmoreland that two thirds of that Town are against paying the Tax, and that Capt. Daniel How who hath done much heretofore in the common cause now declares openly for the King of Briton and his Government, and thus it is in almost every place, there are persons of similar sentiments. Ches- [p. 360.] terfield, Richmond, Claremont, Cornish, Plainfield and Croydon pay no Taxes. The Collector of Beef Cattle hath agreeable to his orders notified the Towns of his appointment, and of the time and places of his and his Deputies attending to receive Cattle; some Towns have nearly completed their first payment, and why those above mentioned which most of them are wealthier, have done nothing, cannot be conceived, unless upon the foregoing Principles of not paying any Taxes at all. Upon the whole we think from the temper and disposition of too many of the People in this part of the State, troublous times are approaching—which may Heaven avert;—and you and all who are intrusted with our publick concerns be directed in the way to shun and ward off impending dangers.

A question arises amongst the People who are willing to pay their Taxes, whether Beef shall be received at three pence per pound for the first payment of the Tax? Upon which the Collector and many others would be glad of your opinion; some people also are desirous that the collector may be impowered to exchange Cattle wh^ch^ are returned to him (whereof many are not fit to Kill) for those which are; and it appears to us, that such a method in many instances might be beneficial to individuals, and not injurious to the State;—but this is submitted to your better judgment.

We have seen a letter signed by His Excellency Meshech Weare Esq. to Mr. Jenison, wherein Jenison is at least impeached of male conduct in his office of Collector of Beef

Cattle. Mr. Jenison's integrity and uprightness was never called in question, and we are humbly of the opinion ought not now : we believe that in his late appointment he hath (as he always did upon all occasions heretofore) exerted himself for the best interest of this and the United States. He and his Deputies may have given receipts for cattle dated a day or two later than the fifteenth of July, yet not with a view of helping himself or his friend, or of injuring the State ; but because he could not accomplish the business of apprising, receipting, &c. upon the very day pointed out in his order. We know he hath turned away cattle to the great displeasure of those who offered them, and we are not in the least apprehensive that he would knowingly in the smallest degree swerve from the intent and meaning of his Instructions & orders which he shall from time to time receive.

Wishing you, this State, & the United States prosperity, and freedom from popular Tyranny and oppression, We subscribe ourselves, your obedient Humble servants.

THO^{s} SPARHAWK
BENJ^{a} BELLOWS.

Walpole, July 30th, 1782.

Letter from Doct. William Page to President Weare.

[P. 363.] SIR, Charlestown, July 31st 1782.

Your Honor doubtless remembers I stand recognized to appear before the Superior Court to be holden at Exeter in Sept^{r} next for accepting an office under the Authority of Vermont. I wish to be discharged from the trial and beg your Honor to lay the matter before the Committee of Safety and take their opinion on the subject. Should they judge I ought to be holden to trial, I pray for the liberty of trial in this County, for which I should have apply'd to the Assembly at their last Sessions, had I not been confident that as the jurisdiction was given up by Vermont and the people returned to New Hampshire, the Assembly would have pass'd an Act of Indemnity or at least Repealed that act that subjects persons here to Trial in any County in the State. Should the Committee not grant my request, I wish the matter might be postponed, if it can be done without my appearing, & I not forfeit my Bonds, untill I have time to

lay it before the Assembly. Why I should be subject to a trial in a case where many others under like circumstances are taken no Notice of, cannot conceive. I pray for an answer by Col[o] Hunt.

And am sir Your Honors
Most H[bl] Servant

WILLIAM PAGE.

Hon[bl] Meshech Weare, Esq[r]
President of Com[tee] of Safety,
N. Hampshire.

Request of the Selectmen of Newbury that the jurisdiction of New Hampshire may be extended over said town.

[P. 365.] Newbury, November 7[th], 1782.

Whereas applycation was made to the State of New hampshire at their sessions at Concord In June last by Mr. Curtis agent for five Towns, and Incouragement given for Jurisdiction and protection and we are senciable that protection has been afforded from s[d] State for which we return s[d] State thanks in the name of this Town and now Desire s[d] State would Extend Jurisdiction over s[d] Town in its full Extent as it is the Desire of the Town in General.

Your Humble Servants

SELVN[s] HEATH
JOSHUA BAYLEY
FRYOR BAYLEY
} Selectmen of Newbury.

P. S. The Vote of Newbury the 31[st] of May is inclosed.

The Hon[bl] the President, Council and House of Representatives of the State of New Hampshire.

Proceedings at a Town Meeting held in Newbury, Vt.

Newbury, May 31[st], 1782.

At a leagal meeting of s[d] Town on said day being a full meeting Voted to be under the Government of the State of New hampshire at the same time Chose Gideon Smith to meet a Convension of members from towns who should be

of our opinion at Threadford in order to make application to s[d] State of New hampshire—

but two men Voted in the Negative who were William Wollis and Levi Silvyster.

JACOB KENT Town Clerk.

Letter from P. White and John Taylor Gilman, delegates in Congress, to President Weare.

[P. 367.] Philad[a] Dec. 11[th], 1782.

SIR—

On the 9[th] Inst. we were Honored with your Letter of the 26[th] ultimo, Inclosing a Representation from Mr. Blanchard in behalfe of the New Hampshire Line and the Report of a Committee thereon. The subject of a settlement with the army for Pay, Depreciation & Retained Rations is now under consideration. The substance of the Report is, that Settlements should be immediately made by the United States up to the last Day of December 1781. The propriety of this measure and the Impropriety of such Settlements being made by the States Individually is much urged: We shall endeavour to have this matter determined as soon as possible, and (for sundry reasons) are Induced to urge that [P. 368.] settlements should be made by the State's Individually up to the last day of Dec[r]. 1781.

You have Inclosed sundry Resolutions passed the 5[th] Inst. respecting the affairs of Vermont; a Resolution is now under consideration for assigning a Day when Congress will make their Final Determination respecting that Territory. This we Endeavoured to have determined in season to be Transmitted by this Post, but it has met with such obstructions as has hitherto prevented; it will probably be done in a few Days—as the final Determination of this matter is of very great Importance, we have to repeat the request that the Honorable the Legislature would be pleased to give their explicit Instructions on the subject. They will undoubtedly Examine the Act of November 1779, and other Resolutions and Instructions now in force on this subject. [P. 369.] It is probable the first Question will be whether they shall be a separate and Independent State; if this should be determined in the Negative, we should then wish

to know whether the Honorable the Legislature would desire to have the matter determined in the Mode prescribed by the Ninth Article of Confederation, or attempt an agreement and accommodation respecting the same with New York & Massachusetts.

We have frequently heard while in the State that this affair might be easily settled, but although much has been done by the State to obtain a settlement, special agents have been appointed for the purpose, and it is now more than three years since the Act passed submitting the affair to Congress, Still it remains unsettled and is greatly embarrassed.

Inclosed is an Extract of a Letter from Gen[l] Greene to the Secretary of War respecting the Evacuation of Charlestown.

[P. 370.] Three members of Congress, viz. Mr. Osgood of Massachusetts, Gen[l] Mifflin of Pennsylvania & Mr. Nash of North Carolina are appointed to go to the State of Rhode Island on the subject of the five per cent Impost, to lay before them a state of Facts and to represent the necessity of their Compliance.

As we consider it a matter worthy of the first consideration of the Honorable the Legislature that the State should be constantly represented in Congress, and as we wish to return to the State the beginning of April next, hope Delegates will be seasonably appointed to relieve us at that time. In the Interim shall be in want of some Money to pay Expenses which hope will be seasonably furnished.

We have the Honor to be
Your most obed[t] Serv[ts]

P. WHITE
JOHN TAYLOR GILMAN.

Hon[ble] Meshech Weare, Esq[r].

Letter from John Taylor Gilman, in Congress, to Meshech Weare.

[P. 371.] Philad[a] Jan[y] 16[th], 1783.

SIR—

Your favour of the 30[th] ultim[o] (on the subject of Vermont affairs) came to hand yesterday—am sorry to find that the

Hon^ble the Legislature have not given any direction in that matter. The Legislature of New York are now in session, and from some information which I have had this Day, think it is probable they will repeal their Act by which the Decision of this matter was submitted to Congress. If it should be proposed (in the present state of this matter, and without deciding on the Question of their Independence) that it be recommended to New York and New Hamps^e to adjust this matter between themselves, (reserving to Massachusetts the right of claiming and a Trial upon the principle of Confederation) and that Congress pledge themselves for carrying their agreement into effect,—How ought we to vote on the Question?

For my part I feel embarrassed by that part of the Act of 1779, by which a special agent is appointed, and other Instructions heretofore given on that subject.

I have conversed freely with Gen^l Whipple on the subject at large; he has had opport^y to converse with others, and will give full information.

Have no News to write, more than is in the Papers inclosed.

I have the Honor to be
Your most obed^t Serv^t.

JOHN TAYLOR GILMAN.

Hon^ble Meshech Weare Esq.

Letter from Enoch Hale to Meshech Weare, relating to difficulties in Cheshire County.

[P. 373.] Keene, February y^e 11^th, 1783.

SIR—

I Received your Honor's favourable advice together with General Sullivan's letter of the 5^th of January last Respecting my Power in raising the Body of the County if needed to assist me in Collecting Publick Taxes, the Legality of which I had not much doubted, but the way & manner of carrying the same into Execution under our present Circumstances is the grand object. But Notwithstanding many

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difficulties we labour under, I immediately sent orders to Colonel Reuben Alexander* to raise the body of his Regiment and to march them into Chesterfield on Tuesday y^e 21^st^ of that month or as many of them as might be surficient to assist me in Carrying the Act of the General Assembly into Execution; but the clammer of the People has been such that he fears to comply with the orders:—Giving me for Reason that in such case the greater part that could be raised would turn out with intent to mutinize and confound our Proseedings; and the same opinion is prevailing with Capt. Doolittle, Esq^r^. Lee, and many others of our well-wishers to Government, some of which affirm that they fear to speak their own opinion openly and wish to be protected in some other manner as the Wisdom of the Gen^l^ Assembly might direct,—but in case we cannot have assistance by Troops stationed with us, I could wish to have the militia inshured of having an addiquate reward for their servis^es^ in case of their being raised in the lower Part of the County. Sir, I could wish to have something mentioned to the General Assembly that I Rote in my second Letter, respecting Personall Estate not being surficient of the Selectmen of several Towns.

I am, Sir, your Honor's most
obed^t^ Hum^ble^ serv^t^.

ENOCH HALE.

Hon^ble^ Masheeh Weare Esq^r^.

NOTE BY THE EDITOR.

Here end the official papers and documents which have been preserved on file in the Secretary's office, N. H., relating to the protracted controversy with New York and Vermont respecting the "NEW HAMPSHIRE GRANTS." The editor has not found anything of importance on the subject in subsequent proceedings of the General Assembly, or of the Governor and Council of New Hampshire. The boundary between New Hampshire and Vermont being determined by Congress, and the

* Col. Reuben Alexander was of Winchester. He represented that town in 1776–1778, and was a justice of the peace for the county of Cheshire, 1778.—ED.

troubles in border towns gradually subsiding, New Hampshire had nothing more to do in the controversy. Vermont, however, was decided and persistent in her claims for Independence, and to be received on equal terms into the union of the states. The measures adopted to attain this important end are fully detailed in Volume III, of Records of the Governor and Council of Vermont, Appendix, pp. 266–489, to which readers are referred. These records may be found in the library of the New Hampshire Historical Society, and in the State library in Concord. Vermont was admitted into the Union, February 18th, 1791.

An Act *of Congress for the admission of the State of Vermont into the Union.*

[p. 375.] Congress of the United States

at the third session,

Begun and held at the City of Philadelphia, on

Monday the sixth of December,

one thousand seven hundred and ninety.

AN ACT *for the* Admission *of the* State of Vermont, *into this* Union.

THE State of Vermont having petitioned the Congress to be admitted a member of the United States, *Be it enacted by the* Senate *and* House *of* Representatives *of the United States of America in Congress assembled, and it is hereby enacted and declared*, That on the fourth day of March, one thousand seven hundred and ninety-one, the said State, by the name and stile of "the State of Vermont," shall be received and admitted

into this Union, as a new and entire member of the United States of America.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States and President of the Senate.*

APPROVED, February the eighteenth, 1791.

GEORGE WASHINGTON,
President of the United States.

DEPOSITED among the ROLLS in the OFFICE of the SECRETARY OF STATE.

TH. JEFFERSON, *Secretary of State.*

COPY OF LETTERS, ORDERS, &c.,

BY THE

NEW HAMPSHIRE COMMITTEE OF SAFETY,

1779 to 1784.

Note by the Editor.

The papers which follow are copies of letters written by the Committee of Safety of New Hampshire, 1779–1784, in relation to matters of immediate concern at that time; and are of especial historical value, as showing the embarrassments of the country,—the difficulty of raising money for the support of the war; the dangers of frontier towns; the patriotic spirit of the committee, and the sacrifices made by the people. That portion of the papers which relates to the troubles in border towns, 1780–1783, is printed in connection with other documents relating to the same affairs. The letters were mostly written by Hon. Meshech Weare, President of the Committee of Safety, but a part of them by Hon. Josiah Bartlett, who was next to Mr. Weare in influence and authority.

LETTERS, &C., BY THE COMMITTEE OF SAFETY.

[P. 1.] State of New Hampshire.

In Committee of Safety January 9th 1779.

Sir—A Letter from your committee to the Committee of Correspondence for the town of Alstead, has been laid before this Committee, and the son of Simon Baxter (mentioned by you) examined, who hath confessed, that he received of his said father about six hundred Dollars in Bills which he supposes were counterfeits, that he passed to one Joseph Welsh of Cambridge in your State about two hundred Dollars in said Bills for which he received of said Welsh two Guineas and two half Johannes's in hard money & the use of two horses to carry him & his Baggage to Littleton, that Welsh knew the money was counterfeit, and that Welsh is a great enemy to the United States, which he knew before and therefore called on him at that time. Some part of the money he says hath not been passed and the Committee expect to get possession thereof as an officer is gone in quest of it, as also to apprehend some person accused of uttering several Bills. If any thing of moment should turn up in further sifting this affair relative to s[d] Simon Baxter, or any Person in your state the earliest notice will be sent you.

[P. 2.] P. S. The examinant declareth that said Welsh manifested a great desire of getting to New York and enquire concerning the Rent of Houses &[c] there.

State of New Hampshire. } To the Officer or Officers having the charge of the Continental Stores of Provisions & Ammunitions at Coos: By direction of the General

Assembly of this State, I am to request you to furnish the Troops sent by this State for the defence of the Western frontiers with the necessary Supplies of the above articles during their continuance in those parts.

Feb. 19th 1780.

Exeter March 7th 1780.

Sir—

The Treasurer of this state laid before the General Assembly two Drafts from Congress on him in your favour for three hundred thousand Dollars cash, and at the same time, represented that the Treasury was destitute of money.

I am directed to inform you, that notwithstanding the whole sums which Congress called on this State for, to be paid by the first of January last, have been assessed on the Inhabitants & the greatest part thereof paid into the Treasury as also a large sum for the contingency of the State & [P. 3.] in addition thereto as much as could be procured on Loans; Yet such hath been the amazing Depreciation of the Currency as so far to exceed our Calculations, that the whole hath been found quite insufficient for the Demands which we are under the necessity of answering within our own State, such as recruiting the Army, providing cloathing, paying a small part of what we have agreed to pay our soldiers for Depreciation, and other contingencies, that it is with great regret they find it impossible to pay your Drafts.

I am &c.

Jacob Cuyler Esq.

State of New Hampshire } In Committee of Safety March 31st 1780.

To Major Joseph Bass, Clothier for the New Hampshire Troops in the Continental Service.

In executing the Business of your department you are to strictly observe (as possible) all the Acts, Rules, and Regulations of Congress relative thereto. Also to observe & obey

the Instructions & Directions you shall receive from the Board of War of this State, to whom you are to apply from time to time for Orders in managing the Business you are intrusted with, And you are constantly as opportunity shall offer, & circumstances require, to correspond with said Board of War & inform them of the state of the supplies in your hands, & call on them for new supplies.

[P. 4.] Exeter April 28th 1780.

SIR.

I am honored with the receipt of your favour of the 18th Inst which I immediately laid before the Genl Assembly, who after due consideration thereof were very sensibly impressed with the distresses of our Brethren, inhabitants of the eastern parts now suffering and exposed to the enemy holding possession of Penobscot, And of the importance of Defending against their excursions in those parts and if possible to rescue that Post out of their hands; And are very sorry that they cannot at this time afford assistance to a sister State in Defence of that Country being under the necessity of raising considerable forces to defend their Northern & Western Frontiers which we apprehend to be in eminent Danger from Canada. But in Case an expedition should be ordered by Congress to reduce the enemy at Penobscot this State will exert themselves to the utmost to assist in carrying it into execution.

Hon. Jeremr Powell Esq.

Exeter April 28th 1780.

GENTLEMEN—

The Indians drove from the Seneca County having arrived in Canada the winter past and the probability of their being inspired with sentiments of Revenge have greatly alarmed the inhabitants of our Western frontiers together with the likelihood of their being joined by a great number of Refugees from this and the neighbouring States. The Canada Indians & perhaps some of the British Troops

[P. 5] hath so intimidated them, that unless they are strengthened with more Troops to guard them than can possibly be afforded by this State, it is feared the settlements on Connecticut River will brake up and perhaps fifty miles of Country the most fertile in this State left Desolate. Wherefore I am directed by the General Assembly to desire you to make application to Congress for such aid as they shall judge adequate to assist in Guarding our extensive frontiers the situation of which you can give full information.

P. S. Continued reports from Canada of the designs of the enemy against our frontiers hath much added to the fears excited by the reasons above mentioned.

Hon[r] Messr[s] Peabody & Folsom at Congress.

In Committee of Safety, May the 12[th] 1780.

Coll[o] Jonathan Chase.

Pursuant to a vote of Council & Assembly of 22[d] of April 1780—

That sixty men be raised from your Regiment Col[o] David Websters & Col[o] Moreys, and employed for the Defence of the frontiers for the term of six months unless sooner discharged; To be officered with one Captain, one Lieutenant, and one Ensign of the Militia of which number of men your Quota is one Captain and twenty men.

You are hereby ordered & directed immediately to engage [P. 6.] one Captain & to raise by enlistment draught or otherwise twenty four men from your Regiment to Rendezvous at Haverhill as soon as possible, there to be under the Direction of Col[o] Charles Johnston & Maj. Benj. Whitcomb. Officers & soldiers will be paid such Wages as the General Court shall determine at there sessions in June next.

The same was sent to Col[o] D. Webster & to Col[o] Morey with this alteration—to Col[o] Webster one L[t] and eighteen men to Col Morey one Ens. & seventeen men.

State of New Hampshire } In Committee of Safety May 12th 1780.

GENTLEMEN—

By order of the General Assembly sixty men are to be immediately raised & stationed as a guard on Connecticut River to Rendezvous at Haverhill & wait your Commands.

I am to direct you, that you Detach twenty five men with one officer out of the sixty & to send them to upper Cohoss to guard the settlements there, who are to be instructed by you relative to their Station & Conduct.

The remaining thirty five you will employ in scouts & Guards as you think will best secure the inhabitants—We expect they will be supplied out of the Continental Stores; but if any thing should prevent that we must rely on your [P. 7.] procuring what may be wanting for those at lower Cohoss for which you shall be paid by the State. And Mr John Holbrook if absolutely needed will supply those at upper Cohoss—If any difficulty should arise in the Continents allowing for the supply this state will replace the Provinces.

State of New Hampshire } In Committee of Safety May 26th 1780.

Resolved that it be recommended to all persons possessed of Wheat or Flour, on Connecticut River, for sale, to keep the same & not dispose thereof untill the General Court can have opportunity to purchase it for the use of the United States. The Court will meet at Exeter on the first Wednesday in June next, when the Committee have the greatest reason to believe they will appoint some person or persons to buy all the Wheat & Flour that can be spared in those parts & provide ways and means to pay therefor.

Exeter, May 26th 1780.

State of New Hampshire } SIR—A number of Gentlemen from the Western Frontiers of this State have

suggested to me the favorable appearance of circumstances for making a descent into Canada——some who have lately been into that Country affirm that the Peasants of Canada almost to a man are ready & disposed to join the American Arms, whenever an opportunity shall offer.

[P. 8.] I beg leave to suggest to your consideration whether getting possession even of the Western part of Canada will not be of more consequence to America in negotiating a peace than dispossessing great Britain of all the Post they hold in the United States, and I think I may venture to assert, that we can reasonably expect to get possession of all Canada with less loss of Blood, and Treasure than the City of New York—Now Sir, if you should think favorable of this projection, I could wish you would propose it to your Court for their consideration—Although I have not been instructed in this matter & only offer my own private opinion, yet I think it probable, if Congress should direct an expedition that way this State will be ready to do all in their power to forward it.

I am &c

President Powell.

State of New Hampshire } Exeter May 27th 1780.

SIR—

I received yours of the 2d Inst and at the same time two orders of Congress in favour of Chaloner & White on me for three hundred thousand Dollars each was presented for payment.

The Treasury being destitute of money I applied to the President for Directions who informed me that a Letter from Ephm Blaine Esq. Commissary Genl to our Delegates in Congress had been forwarded to him, advising that he had ordered you to put said order into the hands of Major Jona-

[P. 9.] than Childs of this State who was to apply for payment, and that in consequence of said Information measures had been taken for paying said Drafts to Major Jonathan Child by procuring Grain on Connecticut River from sundry Towns who are delinquent in paying their Taxes, which is likely to

be effected and hopes it will answer the end as well as paying the money which at this time I am unable to Do.

I am &c.

Jacob Cuyler, Esq.

Exeter May 27th, 1780.

GENTLEMEN—

I am informed by many persons from your parts that there are many abuses committed by People in trading with the Indians in friendship with us cheating them of their property & other abuses;

The consequence of which is easy to be foreseen, that their affections will be alienated from us & very likely induce them to revenge.

I must request of you, for the sake of your Country, and for your own sakes who are so immediately concerned to use the utmost vigilance and detecting everything of the kind & to see that strict Justice is done the Indians, & that they are held as friends—Be kind enough to communicate copies of this Letter to the several Committees on the River, and if any Persons should prove refractory, in making restitution where they have wronged the Indians I must request that the Committees send to me the name or names [P. 10.] of the Persons concerned with the evidence and the General Court will see Justice done to the Indians in some way or other let the trouble or expence be ever so much.

Committee of Haverhill.

On Receipt hereof you are without a moments delay to give the necessary orders for raising the Quota or proportion of men from your Regiment which you will find in the Act herewith sent you.

Your men must Rendezvous at —— by the 4th of July next. And you will take care that a trusty person or persons conduct them to that place where a Muster Master will attend to muster and pay their travel money from their Homes to the place where they will draw provision and a

Continental Officer to give them farther Directions—A number of Acts is sent you that each of your Companies may have one and in case you do not procure the men by the 1st Draft you will understand that by the Act you are to proceed in Drafting until the number is compleated.

Exeter 27th May, 1780.

Gentlemen—

This State the year past actually paid 333,000 Dollars for the Ship Hampden (lost at Penobscot) Stores mens wages &c and also have advanced very large sums for [p. 11.] cloathing for the Army which with the other expenditures in paying Depreciation to Soldiers &c hath taken up the money raised the year past for the use of the United States.

I have been informed that Congress hath postponed the Calling on the State of the Massachusetts Bay for so much of the Taxes due from them, as they expended in the Penobscot expedition.

I must request that you will desire the same favor of Congress for this State and also for money advanced for Cloathing to the amount at least of 600,000 Dollars—I cannot at this time ascertain the Sum. This State has laid as large Taxes on the People as it was supposed they could possibly pay without distressing them & creating great uneasiness. Yet such hath been the great Contingences that they have proved very insufficient. And I am well assured New Hampshire will continue to exert all its strength in Co-operating with their Sister States in every measure recommended by Congress.

In the Account of New Hampshire with the United States for Taxes transmitted by the Board of Treasury dated the 15th of April last, I observe an omission of crediting the State for 200,000 Dollars the Tax of 1778 for which our Treasurer has a Receipt from Francis Hopkinson Esq. Your calling on the Treasury Board & getting that matter put right will be a Benefit to the State.

Messrs. Peabody & Folsom.

[P. 12.] State of New Hampshire } In Committee of Safety May 27th, 1780.

SIR—

The Committee of Safety have been informed that there is a valuable Farm in Amherst which appeared by the County Records to be the property of one John Sargent an absentee from the State of Massachusetts Bay, but now in possession of Major Joseph Blanchard. I must request of you, and the other Gentlemen, the Committee for taking care of those estates to examine this affair & if it appears as afores[d] that you enquire of Major Blanchard by what right he possesses said estate, and make report as soon as possible to the Gen[l] Court or this Committee of your Doings in said matter.

I am &c.

James Underwood.

In Committee of Safety Exeter June 2[d] 1780.

GENTLEMEN—

Inclosed you will receive a Copy of a Letter directed to John Dudley Esq., you are desired to make every necessary enquiry of Major Blanchard concerning the contents of said Letter or of any other person & make report thereof to the General Court or to the Committee of Safety to this State as soon as may be.

I am &c.

To Col. Nichols and
Mr Underwood Esq.

Exeter July 15th 1780.

[P. 13.] SIR—

The proposals you made Major Gains relative to supplying this State with a Quantity of Rum for the use of the Army we esteem equitable; yet such is the pressing necessity for money to carry on the great and urgent operations of the Campaign that we must be under the necessity of depending on Credit for obtaining that article.

I am &c.

State of New }
Hampshire } June 24th 1780.

To Capt. Nehr Houghton.

In pursuance of a Vote of Council & Assembly you are to Muster & Swear all the men brought before you at Winchester as soldiers to serve with the Continental Army untill the last of December next passing none but able Bodied & effective Men, paying each man two Dollars per mile from the place of his abode to Springfield, where they will draw provisions.

You are to keep an exact List of the Names of the men you Muster, the day they passed Muster & the Towns they serve for—Noting each man who is provided with a Knapsack and Blanket, and of every Deficiency.

Exeter, June 28th, 1780

Sir—

The purchasing of wheat at or near Connecticutt River for the use of the public, being a desirable object: The General Court have therefore passed the inclosed Resolve. [p. 14.] The raising of men, Supplies for the Army and other Contingencies have constantly drained the Treasury although most of the Towns have been punctual in paying their Taxes, yet as many of the Towns on & near the River Clairmont are delinquent in paying their Taxes, the Court have empowered you to draw orders on them for said Taxes, which orders being paid will be the same as if paid into the Treasury—your proceeding in this Business will be esteemed a particular Service (and if effected) I believe a great benefit to the United States.

I am &c.

Major Childs.

State of New } June 28th 1780
Hampshire }

To Col. Stephen Peabody——

In pursuance of a Vote of Council & Assembly, you are to Muster all the men brought before you at Amherst as soldiers, the Militia, as well as those who are to serve

under Continental Officers, passing none but able Bodied effective Men, to whom you are to administer an Oath for the faithful discharge of their Duty. The Militia must be equipped with a good Firelock, Knapsack & Blanket at least, and those who are to join the Continental Companies with a Knapsack & Blanket.

[P. 15.] And you are to pay each soldier you muster Two Dollars per mile for travel money from their respective homes to Worcester where they will draw provisions. You are to keep an exact List of the Names of the men you Muster, the day they passed Muster & the Towns they serve for—Noting each man who is deficient in having a Blanket or a Knapsack—You will keep the list of the Militia & those who serve under Continental officers entirely seperate.

State of New Hampshire } In Committee of Safety June 30th 1780.

To ——— ———

You are hereby empowered and desired immediately to purchase within the County of ——— Horses to be used in drawing for the Army, you will therefore procure such as are suitable for that purpose fit for immediate [use] and on the best Terms you can, you are to fill up the Blank Certificates, you will receive herewith with the Names of the Persons you purchase of, the sums Bargained for, the time of payment, which must be either one year or two years, or three years, as you & they can agree, and the number of days which you will procure a Treasurer's Note for said [P. 16.] sum—It is expected that you will be called on in a few days for the Horses, and in the mean time you will agree with the persons you buy of, to keep them untill called for or procure pasturing when it will be inconvenient to leave them with their former owners. You will take receipts of the persons you trade with, for the sum you give for any such Horse setting forth that said Horse was for the use of the United States.

The Treasurer will make out Notes to pay for said Horses on your application.

State of New Hampshire } In Committee of Safety July

To Major Benj[a] Whitcomb.

The General Assembly of this State in their last session, Pursuant to a Resolve of Congress agreed to Raise two companies of sixty men each besides officers for the Defence of the western frontiers to be in the Continental service untill the last day of December next; But the Assembly did not give directions who should have the ordering where the men should be stationed or employ'd and as we suppose that you have at present the Chief Command in those parts, we have ordered the men under your care to be employed for the Defence of the western frontiers of this State in such [P. 17.] manner as may best answer that design & desire you to give the necessary direction for their being supply'd with provisions &c and inform us from time to time of the situation of Affairs.

Exeter July 1[st] 1780.

Sir—You was acquainted when at Court, that a number of Horses were required from this state for the use of the Army.

The Committee have agreed to buy a proportionable number in each County, twenty seven is the proportion of the County of Cheshire—As a proper person to purchase said Horses in your County is wanted, I have sent Blank Orders inclosed herein to you, & desire you will find some suitable Person & fill up the Blank & deliver it to him.

I have likewise sent 27 Blank Certificates to be filled up and given to the Persons of whom the Horses may be purchased, for their security untill the purchaser can have opportunity to get the proper notes from the Treasurer for them when he will deliver the Note and receive back the Certificate—You will be pleased to let me know by the [P. 18.] Bearer the Name of the Person you deliver the order to, that I may call on him for the delivery of the Horses; as I expect every day an order from the Quarter Master General for the Horses, and therefore desire the greatest expedition may be used in purchasing them.

Coll[o] Hunt.

Exeter in New Hampshire July 1st 1780.

Gentlemen—

I had the honor of receiving yours of the 19th Inst this day and have inclosed three acts of this State passed in consequence of your Requisitions—Those troops who are to recruit the Continental Army are ordered to rendezvous at three several places on the southern extremes of this State of the 4th of July Inst where Continental officers will attend to forward them with the greatest expedition, and from the various accounts I have received, I have reason to expect the Major part of them at least will rendezvous by the time appointed. The Militia are ordered to be at the same places, on the 12th July Inst in their way to camp, [p. 19.] which was as soon as could be expected, considering the great distance from Exeter to the remote parts of our scattered settlements—I am led to believe, that the Militia also will be on their way at the appointed time, as very great exertions, are making to raise them—The Cattle in this part of the Country at this early season of the year, are generally lean, and but few really fit for Beef, yet such as they are, I believe the Quota allotted to this State for July will be ready to be delivered the Commissary Generals Orders—The first months proportion of Rum, viz. twenty five Hhds, is now ready at Portsmouth & waits the Commissary's Order—Persons are employed to purchase 150 Horses for the use of the Army, and I think it probable, that in a few days most of them will be likewise ready and wait the Quarter Master Genls Order.

Rum is very scarce in this State, yet no pains will be wanting in having the several Quantities ready at the Peri- [p. 20.] ods fixed as well as the other articles. In your letter of the 2d of June last you say—"The supplies apportioned to your state are as follows—166,835 pound of Beef per month and 25 Hhds of Rum per month, to be transported to & delivered where the Commissary General shall direct; Also 150 Horses to be attached to the Army & to be delivered where the Quarter Master General shall direct,"—to which you also refer me in your Letter of the 12th Inst—In consequence of which, every measure tho't feasable hath been pursued to have the Articles in readiness to be delivered on Receipt of the Commissary Genl and Quarter

Master Gen[l] Orders: But no orders from either hath yet been received.

In your letter of the 19[th] of June last you say "The two points we wish to impress most forceably on yours and the minds of the Legislature of your State, are immediately forwarding your Quota of Troops necessary to Complete your Batallions in the Continental Army, and of supplies of Provisions agreeable to the estimate inclosed you in their Let-
[P. 21.] ter of Inst"——As it was understood by us, that agreeable to the recited paragraph of the 2[d] of June last, our supplies of provisions must wait the Orders of the Com[ry] Gen[ls] &c—the sending them forward was not thought of untill such orders were received, and indeed we know not where to send them; Yet by the recited passage of your last Letter there seems to be an implication of our sending such supplies forward without such order. Wherefore I wish that no misunderstanding may happen in those matters, least by mistake the Army may suffer, as we desire punctually if possible to fulfill every Requisition.

Exeter July 6[th] 1780.

Sir—

The Committee of Congress by their Letters of the 2[d] & 12[th] Ult[o] called on this State for a specific quantity of Beef & Rum monthly the first to be ready to be delivered by the first of July then next to the Com[ry] Gen[ls] Order—since which I have been repeatedly call'd on by said Committee to forward such supplies, but have had no order from the Commissary General. Anxiously concerned lest there should
[P. 22.] be a failure of provision in Camp on the Arrival of the new Levies occasioned by neglect, or mistake, hath induced me to send Major Gains (one of the Committee fully impowered to draw forth the Resourses of the State) to wait on you and request a communication of the mode you are pursuing in sending forward supplies, whether you have any orders from the Commissary General, and what those orders are as we are at a loss how to proceed. Any matters relative to our recruits, or supplies of which you may wish to know, Major Gains can fully inform you.

Exeter July 6th 1780.

Gentlemen—

By the last post I gave you full information of what this State had done relative to procuring men & supplies for the Army, since which I received yours of the 23d Ulto urging the necessity of sending forward supplies, but as no orders from the Comsy General hath yet been received, we remain at a loss how to proceed. Nevertheless we have ordered the Collectr General of Beef for this State to issue his order for Collecting about 200 Head of Cattle immediately & shall send them forward as soon as they can be collected towards the North River by the way of Springfield in expectation that the Drivers will find or meet some persons authorized [p. 23.] to give them directions. However we wish to have explicit Directions relative to the Supplies, where they must be delivered, to whom & where &c which we shall endeavour as punctually to comply with as circumstances will possibly admit of.

The recruits for the Continental Army are marching forward, upward of one hundred left Kingston Tuesday & Wednesday last & by the best information we have, they are equally forward in the Counties of Hillsborough & Cheshire.

The militia will march the beginning of next week and I believe will not fall much short of the number called for.

State of New Hampshire } In Committee of Safety July 13th 1786.

To Nicholas Gilman Esq:—R. G.

Make out in Notes agreeable to the Resolution of the Genl Court of the —— of June last for fifty thousand pounds in the names of the persons, in such respective sums as Mr Jewett shall desire & produce Receipts from setting forth such purchases.

[p. 24.] Exeter in New Hampshire July 15th 1780.

Sir—I had the Honor of receiving yours of the 4th Inst yesterday. I believe that you may have from this state five

Tons of Powder which is near half of the whole stock, and that the same will wait your order.

As early as I was able to give any precise information of the succours that might be depended on from this State, which was on the first day of this Ins[t] July—I fully stated the same in my letter to the Committee of Congress of that date—since which by the best information I have received I Judge that the greater part of the men required from this State have marched, and in a weeks time there will be but few behind.

The Beef and Rum required is ready to be delivered the Commissary Generals Orders, for which orders we have waited some time. The Collector Gen[l] of Beef is now ordered to send 200 Head of Cattle towards Springfield in the state of Massachusetts in expectation of meeting orders which way to drive them—Most of the seamen of this State are prisoners with the enemy or gone into other Business since the War. Four ships, Letters of Marque going to sail in concert have waited several weeks at Portsmouth for want of men although they offered very large wages.

[p. 25.] At this time, I am not able to let you know with any Degree of certainty whether any Seamen can be obtained, or if any on what Terms but will immediately make inquiry & send you the earliest notice thereof. As there is a considerable of River navigation in this State. I believe it would be vastly easier to procure men acquainted with rowing & managing Boats &[c] than Seamen if such would answer, numbers of them may be found among both our Continental Troops and Militia.

State of New Hampshire } In Committee of Safety July 15[th] 1780.

To Mr. Noah Emery Jun[r]:

In the Business you are going to transact the following things you must get determined, viz.

After delivering the letters you are intrusted with, you must endeavour to obtain from Gen[l] Washington the Commissary Gen[l], or Quartermaster Gen[l] full & explicit directions relative to the supplies this State are called on for,

where they must be delivered, to whom and when, you can inform that the Beef, Rum, & Horses are ready to be delivered; But we know not to whom, or where; you will be particular in getting some particular Directions relative [P. 26.] to the oxen which will go forward next week, that you may meet the Drovers on the way and inform them, how they shall proceed. They will be directed to Springfield, where we expect some person from the Army, or in behalf of the Continent will take the Charge of them. You will note, that the Beef and Rum mentioned to be ready, includes only what the state were to provide in the month of July and can inform that the other parts will be ready at the stated periods.

I am &c.

State of New Hampshire } In Committee of Safety July 18th 1780.

To Doct^{h} Pelet^{h} Warren of Berwick

Sir—

The Committee have Just received information from Coll^{o} Henry Dearborn now at the Army, that the 3^{d} New Hampshire Regiment are destitute of a Surgeon, and that you had given incouragement that you would engage in the Business, in case you were appointed—This is to acquaint you, that the Com^{tee} who are authorized to appoint officers, where there is a vacancy necessary to be immediately to be [P. 27.] filled up, have appointed you Surgeon of the third Regiment, and as a Surgeon is wanted as speedily as may be, we desire your answer, whether you will engage in that service, which we hope you will be able to do, & that you will proceed as soon as possible. Your answer is desired as speedily as may be.

In behalf of the Committee.

State of New Hampshire } In Committee of Safety July 18th 1780.

To Capt. Eliphalet Giddinge:—

You are desired to send forward as soon as may be, in

convenient Droves (about fifty in a Drove) the beef Cattle, which you have procured for the supply of the Army to the Amount of about two hundred at present, they are to be sent under the care of some proper careful persons, who are to be directed to see that the cattle may be properly provided for, on the Road, and to proceed forward towards the Army by the way of Springfield untill they meet Mr. Noah Emery Jr. who is gone to Head Quarters, to receive Directions, to whom the Cattle are to be delivered, and they are then to proceed & deliver the Cattle to such person as Mr Emery shall direct, taking proper Receipts, for the same, unless that before they meet Mr Emery they should receive orders from the Commissary General for the Delivery of the Cattle; In which case they are to be delivered to the Commissary Generals Order taking receipts.

[P. 28.] State of New Hampshire.

In Committee of Safety July 18th 1780.

To Capt Samuel Reynolds—

You are to proceed to Haverhill on Connecticutt River with all convenient speed, where we expect that you will meet the men, raised to be under your Command for the defence of the frontiers. You are to apply to Major Benjamin Whitcomb for supplies for the men and for further Directions.

Exeter, July 26th 1780.

Sir. Your letter of the 20th Inst Directed to the President of this State, I have recd and opened, and shall lay the same before the Committee of Safety to-morrow, when I think it very probable that they will appoint one or more persons to meet and consult with the Commissioners of the other New England States agreeable to your request.

I am Sir
Your most obt Hum. Servt

Honble James Bowdoin
President of Massaths Bay.

[P. 29.] State of New Hampshire } In Committee of Safety July 20th 1780.

To Col. Stephen Evans—

Sir—As we have received repeated Letters from his Excellency Genl Washington, requesting in the most earnest manner the forwarding the full Quota of Troops to be raised by this State, both for filling up the Continental Army and also of the Militia, which request is urged in the most convincing manner from the important and interesting situation of affairs at this time, We are obliged again to call on you to see that the Quota call'd from your Regiment both for filling the Continental Army; and also of the Militia for three months be immediately compleated, and march'd forward without one moments delay.

You are also to inform the Committee immediately what number of men in your Regiment are raised and marched or ready to march and also what officers are appointed to go with them, who should be directed to proceed forthwith.

And if there is yet wanting, either of officers or men to compleat your full Quota they must be procured & sent forward without the least delay, the present critical situation will not admit of the least failure.

It is necessary that the Committee should have the most exact & particular information in this matter, and as speed-
[P. 30.] ily as possible, as we are called on to give information from time to time of our proceedings, that Genl Washington may know what to depend on.

We expect your immediate answer.

In Committee of Safety July 28th 1780.

Sir—

Sometime past the Committee received the Resolutions of Congress of the 2d and 9th of June last ordering that the second Tuesday in September next be assigned to proceed to hear & examine into and finally determine the disputes & differences relative to jurisdiction between the three States of New Hampshire, Massachusetts Bay and New York, and the people of the district commonly known by the name of New Hampshire Grants &c—Which the Committee

immediately forwarded in a Letter to you, that you might be seasonably inform'd of the time when it will be necessary for you to be present on behalf of this State; But we have not received any information, whether you have received our Letter and can comply with the request to attend on that important matter at the time appointed.

As this is a matter of great importance we have sent this by express that we may be fully inform'd, whether you will [p. 31.] attend this business which we hope you will not fail to do as it may be very injurious to the State should we fail of having an Agent present when the affair comes on to be determined before the Committee of Congress.

I am, sir, &c.

Samuel Livermore Esq.

State of New Hampshire } In Committee of Safety July 29th 1780.

Resolved that the Honble John Langdon Esqr be and hereby is appointed a Delegate for and on behalf of this State to proceed to Boston to join with such Delegates as are or may be appointed by the States of Massachusetts Bay, Connecticutt & Rhode Island to meet at Boston on the 2d day of August next, to consult & advise in all such business and affairs as shall be brought under consideration relative to the War, and to promote & forward the most vigorous exertions of the present Campaign, and to cultivate good understanding and procure a generous treatment of the officers and men of our great and generous Ally; or on any other matters that may be thought advisable for the public good—And to report the proceedings of said Delegates to this Committee, or the General Assembly of this State.

The Honble
John Langdon, Esq.

[p. 32.] Exeter Augst 2d 1780.

Sir—

Some days past the Treasurer informed me that the

Draughts from Congress on this State in your favour were again presented for payment, and that he was unable to pay any part of them—considering the trouble & expense you had already been put to, I was determed to leave no probable method untried to procure the money, And accordingly sent off expresses to the distance of forty miles for that purpose.

The Constables have been called on and Loans solicited, and yet such is the scarcity of the Current Bills, that but about fifty thousand Dollars have been procured, and so much are we straightened, that (with concern) I am obliged to say, that there will be an uncertainty in fixing on any future period for the payment.

When our court set last, there was a probability of having the money soon, but the raising recruits for the Army, providing supplies Horses &c. hath taken of whatever could be drawn into the Treasury and indeed hath been very insufficient for the Contingencies and at this time when every dollar in the Treasury hath been paid your order, one hundred and fifty horses are waiting only for money to pay the Drivers expenses &c to proceed to Fishkill where they are ordered by the Quarter Mast^{r} Gen^{l}—On the whole, I trust [P. 33.] you will believe that nothing but the impracticability of getting the money hath hindered the payment which shall be made as soon as possible & of which the Treasurer will give you the earliest notice.

I am &c.

Jacob Cuyler Esq.

Exeter August 5th, 1780.

Sir—

I received yours of the 31st ult^{o} and laid the same before the Committee who were very sorry that affairs were so circumstanced that you would not attend at Philadelphia in behalf of the State on settling the affair of the Grants &c.

The calling of the General Court together at this time would be a very great expense to the public, and more sensibly felt now, as it is with the utmost pains, that money is

procured day by day for the contingent expenses and indeed the time is not sufficient to give the members notice, for them to meet, do the business, & then for the Person appointed to arrive in time at Philadelphia—Wherefore the [p. 34] Committee, anxious to have the best care taken of said business that they could devise have applied to General Sullivan (who as a Delegate, may properly act for the State) to go forward immediately, and have engaged him to set out in a few days, which makes it necessary that he should have all the papers, and other assistance possible to be obtained to enable him to transact the business, and many of the papers that you collected at Portsmouth (The Committee are informed) are originals in particular a state of the case drawn by Col° Atkinson. Therefore I desire you to send by the Bearer all the papers you have relative to those matters, if you have them by you, or if left at Philadelphia, or elsewhere, that you will be kind enough to give such directions as may be sufficient for him to find them.

And as you have had opportunity to get much information in those affairs I should be exceeding glad that you would consummate in writing to Gen' Sullivan such things as you think material, and will be of advantage to him in the case.

I am &c.

Samuel Livermore Esq.

Exeter August 10th 1780.

[p. 35.] Sir—

Mr. Noah Emery of this Town is appointed by the Quarter Master General to superintend what belongs to that Department in this State who will be at Keene on Saturday morning the 19th inst to receive the Horses you have purchased for the State. At which time & place I desire you to have them well shod and ready to be send off—I must also desire you to procure three persons (one of whom to be a trusty proper person) to take the charge of the Horses and drive them to Fishkill.

I have likewise to request you to call on the constables in your neighbourhood to advance you at least Ten Thousand

Dollars, which shall be allowed out of their Taxes, on their producing your Receipts; which money you must deliver to M^r^ Emery, as well as the Horses, & take his receipts therefor—Your amount for time and disbursements will be settled by the Committee on its being presented.

Capt^n^ Shubael Geer.

[P. 36.] Exeter, Aug 10^th^, 1780

SIR—

Mr Noah Emery Jr of this Town is appointed by the Quarter Master General to superintend what belongs to that Department in this State, who will be at Wilton on Wednesday the 16^th^ Instant by 10 oclock A. M. to see about sending off the horses you have purchased.

At which time I desire you to have them ready at some convenient place in your Town. It will be necessary to have them well shod and you will likewise procure some Trusty person with two others to assist him to drive the Horses to Fishkill—I must also desire you to call on the Constables in your neighbourhood to let you have the Amount at least of ten thousand Dollars which shall be allowed them by the treasurer; which money you will deliver to Mr. Emery and take his receipt therefor—You will likewise deliver the Horses to Mr Emery—Your account for purchasing, Shoeing the Horses &^c^ will be settled by this Committee on your presenting it.

Mr Jon^a^ Martin.

[P. 37.] Exeter 12^th^ of Aug 1780.

SIR—

I received yours of the 4^th^ Inst and am at a loss in answering some matters, just hinted at therein referring me to a former Letter, which I have not received—Inclosed is a letter to Dr. Phelps, desiring him to perform the business of Surgeon to the Troops under your Command—At present it is not possible to procure any proper Camp Kettles in this part of the State, & of course the men must make the best shift they can until an opportunity of providing some appears. Mr. Noah Emery Jr. of this Town is appointed by the Commissary Gen^l^, Deputy Commissary of

purchases in this State, but is to apply to the State for money.

So many are the pressing calls for money in supplying the Army, that enough cannot be procured to answer the purpose. If the Constables on, & near Connecticut River in the County of Grafton will supply money to Mr Emery to [p. 38.] purchase the Beef you are in need of, or the Beef in lieu thereof he will be ready to furnish you, & appoint some person to superintend the business; otherwise I dont see that the money can be procured here; Although the August Tax is coming into the Treasury daily yet not fast enough to answer the Demands of the Army, as our Troops there are now wholly supply from home.

The money advanced by any of those Towns shall be allowed out of their Taxes.

Majr B. Whitcomb.

Exeter Aug 12th 1780.

Sir—

As the Troops stationed at Haverhill (without doubt) will have need of a Surgeon, I must request you to take care of them in that capacity, for which you shall have a reasonable allowance from this State.

I am &c

Doct. Phelps.

[p. 39.] State of New Hampshire } In Committee of Safety Aug 19th, 1780.

To Mr Jedidiah Jewett.

Sir.

The Committee engaged to provide a Horse for Genl Sullivan to go to Philadelphia. If either of the Horses, which are now in your hands, belonging to the State, will answer for that service, you are desired to send him to Durham to the General, as speedily as may be. If you have not one by you, that you think will answer, you are desired to

procure one as speedily, and on the best terms you can, and send him to the General.

In Committee of Safety, Aug. 19th 1780.

To Capt. Josiah Moulton & Colº S. Folsom Esq—

GENTLEMEN—

You are hereby appointed and directed to examine the powder in the hands of Colº Hubbard, that was made for this State, and see that it is good and merchantable to report to this Committee the Quantity that is there.

[P. 40.] In Committee of Safety Exeter Aug 19th 1780.

To Colº Joshua Wentworth—

SIR— .

You are requested and authorized from time to time to give to the commanding officer of the Continental Troops Stationed at Portsmouth such orders & directions as you shall think proper for Guarding and Defending the Harbour, and in particular the Continental Ship building there.

In Committee of Safety Exeter Aug 19th 1780.

To the Board of War of this State.

You are directed to supply the Continental Troops stationed at Portsmouth with ammunition & such other necessaries as they may want upon an application therefor, from Noah Emery Junr Assist. Quarter Master & Commissary and to take his receipt for the things Delivered.

In Committee of Safety Aug 23d 1780.

To Capt Eliphalet Giddings—

Sir—You are most earnestly desired & requested to collect with all possible expedition, all the Beef Cattle which [P. 41.] you can, and deliver them to Mr Noah Emery Jr. Assistt Commisy of Purchases to be sent forward to Camp

without one moment's delay as we have received information that the Army is in great want of those supplies.

Exeter Aug. 23d 1780.

Sir—

I am honor'd with the Receipt of your favor of the 14th Inst by express.

The fatal consequences that will attend the want of supplies for the Army strike me very powerfully.

This State have proportioned the Beef Cattle to be supplied as our Quota, to the several Towns and appointed a person to collect them to be sent forward, who has hitherto industriously attended to that business — about two hundred head of Cattle are already sent forward—about sixty head are to go forward this day, & we have issued new orders for him to procure & send forward as many as he can with all expedition, which I have no doubt but he will comply with, and that we shall furnish our Quota agreeable [p. 42.] to a requisition as speedily as they can be sent forward. Every exertion in our power will be used for this purpose.

I am &c.

Eph. Blaine Esq. Com G. P.

Exeter, Sept. 7th 1780.

Sir—

I find by the Muster Masters Return that the number of men Mustered from your Regiment to join the Continental Regiments for six months falls short five men of the number required.

General Washington has urged their being sent forward with the greatest speed, which I must also request you to do without fail.

There has been musterd for

Hampton.....	5	Dover.....	6	Kingston.....	6
Hampton falls.....	2	Durham.....	7	East Kingston....	3
North Hampton...	4	Somersworth.....	5	Hawke	3
Seabrook.....	2	Rochester	9	Sandown.....	2
Kensington.....	4	Barington	7	Newton	2
South Hampton...	3	Madbury	3	Plastow	2
	—	Lee.....	3	Atkinson.....	2
	20		—	Salem.....	7
Col° Moulton			42	Hamstead	4
		Col° Evans			31
Exeter.....	9	12 men wanting.		Col° Gale	
Newmarket	7			five wanting	
Brintwood.....	4				
Epping.....	2	Col° Gilman			
Poplin	4	10 wanting			
	—				
	26				

[P. 43.] State of New Hampshire } In Committee of Safety Sept. 8th 1780.

To Capt Sam[l] Gilman Trustee of the State of the late Governor Wentworth's Estate—

Provided any person in behalf of the heirs of Joseph Simmes late of Portsmouth deceas'd should bid off any lands belonging to said estate in Middleton in the County of Strafford at Vendue, you are desired to take security therefor & not Demand the money.

In Committee of Safety Sept. 6th 1780.

To Maj[r] Child,—

Sir—

Whereas Mr. Noah Emery Jr. is appointed by the Coms[y] General, An Assist Coms[y] of Purchases for this State & as he has appointed you to furnish supplies &[c] You are therefore desired to call upon the Constables in the County of Grafton, also on the Constables in Cornish & Plainfield in the County of Cheshire, for a sum of money sufficient from time to time for supplying those troops which are stationed for the defence of the Western frontiers. And on

your accounting for what money you receive of said Constable the same shall be allowed them in part of the public Taxes.

[P. 44.] State of New Hampshire } In Com^tee of Safety Nov^r 18^th 1780—

Sir—

The Commissary General of Purchases has represented to Congress the miserable Situation our Army is in for want of supplies, they are now fed from day to day & scarcely a week has passed this three months that they have not been one or two days wanting either Bread or Beef, that the Magazines are now empty and that the season of the year approaching fast when it will be extremely difficult & expensive if not impracticable to transport the necessary Supplies, so that if the States do not exert themselves immediately to send forward the quota of supplies they are called on for, there is the utmost danger that the Army will infallibly break up.

Should this be the case, the consequences are too painful for contemplation.

From this situation of our Army we are called on by Congress to take into serious consideration the present want and distrisses of the Army and by the most efficatious means and unremitted attention to send forward our supplies.

[P. 45.] The Committee therefore desire you immediately to call on every town in your district that have not furnished their full Quota of Beef Cattle—to do it without loss of time—that the whole may be forwarded with all possible speed—Inform them of the state of our Army and great danger we are in if we neglect.

The Committee flatter themselves, that there is not a single Town, who have the least regard for our own Safety and the Good of the Common Cause when they know the situation of the Army, that will hesitate a single moment about complying.

We are called on by Congress to send forward from time to time accounts of what supplies are procured and it will be painful to the Com^tee to inform of a single Town neglect-

ing to comply when the necessity is so urgent, and the danger of neglect so apparent.

[P. 46.] We have no doubt of your exertions at this critical time and desire you to give us as speedy & particular an account of your success as may be that we may inform Congress.

To Col° David Webster—
John Millen, Esq.

[P. 48.] In Committee of Safety, Exeter, Feb. 9th 1781.

SIR—

We wrote you yesterday requesting that you would deliver provisions &c to Gen^l Nichols & Col° Ellis since which we are informed that Col° Hunt is appointed Assistant Deputy Quarter Master for the Western District of this State & the furnishing provisions, Barracks &c comes immediately under his Department. We have wrote Col° Hunt on the Subject & you will take his orders respecting the same (the letter wrote you yesterday notwithstanding).

To Francis Blood Esq.

In Com^tee of Safety Feb^y 9th 1781

SIR.

The Committee have lately wrote to Francis Blood Esq. Coll^r Gen^l of Beef for the western District, desiring him to deliver to Gen^l Moses Nichols and Col° Timothy Ellis, Muster Masters in the western district such Quantities of provisions as they may require to be by them issued to the Recruits now raising in this State, have also desired Gen^l Nichols and Col° Ellis to provide Barracks & other necessaries for the Troops, since the writing those letters we are informed that you are appointed Assistant Deputy Quarter Master for the western District, and as we conceive the business of furnishing provisions Barracks &c is within your Department we now desire that you would take up the matter of furnishing provisions barracks &c at Amherst and Keene the places of Rendezvous, & we shall

immediately inform Gen^{l} Nichols, Col^{o} Ellis and Mr. Blood of the supposed necessary alterations. Mr. Emery the assistant Deputy Quart^{r} Master in this Department will supply at this place as we have wrote Gen^{l} Nichols & Col^{o} Ellis on the subject of issuing provisions &c perhaps it might be agreeable if you should think proper to appoint them for that purpose.

Col^{o} Hunt.

[p. 49.] In Committee of Safety, Exeter, Feb. 9th 1781.

Sir—

We wrote you yesterday respecting the issuing of provisions furnishing Barracks &^{c} for the Troops and to call on Francis Blood Esq for a supply of such provisions, since which we are informed that Col^{o} Hunt is appointed Assistant Deputy Quarter Master for the Western District and that the furnishing provisions, Barracks &^{c} comes immediately under his Department. We have wrote Col^{o} Hunt on the subject & doubt not he will give the necessary orders respecting the same, if so it will be unnecessary for you to do any thing respecting provisions or barracks, unless you receive Col^{o} Hunts orders therefor, which we have mentioned in the Letter to him.

To Gen^{l} Moses Nichols & one similar with the above to Col^{o} Timothy Ellis.

State of New Hampshire Exeter, Feb^{y} 12th 1781.

Sir—

There is no Continental Stable established within this State, & we have much trouble, & are at considerable expense for want thereof, & our officers are under many difficulties. As I conceive that business is within your Department & this State as much entitled to such a provision as any other, should be glad you would appoint some proper person for that purpose as soon as possible. This place being the present Seat of Government, our officers naturally

resort here & I suppose that it would be the most proper [p. 50.] place for such a Stable——please to let me hear from you as soon as may be.

I am &c.

Col° Jabez Hatch.

State of New Hampshire } In Com^tee of Safety Feb^y 8^th 1781.

To the Selectmen of ——

Gentlemen—

We are under the most pressing necessity to call on you again to give directing to your Collector or Collectors to send into the Treasury what money they now have of the State Taxes, and to proceed with all possible expedition to Compleat their Collections. We were lately obliged to call for what money the Collectors then had in order to send forward some to the Army, who were suffering for want, not having received any pay for a long time, that money has been forwarded. The Treasury is still empty, there are now many officers & soldiers now come home on furlow who were obliged to borrow money to get home and are in the greatest want of some. Our Soldiers have the greatest need of shoes, stockings, shirts & almost every sort of Cloathing, and there is no money to purchase any. We are called on by Congress for sending forward money immediately for paying the Army & for the relief of our Prisoners suffering the most inhumane treatment in the hands of our enemies, besides Demands of various kinds, daily occurring, for large sums of money for defraying the charges of the War. Congress inform us they have no other resourse for all these purposes, but by applying to [p. 51.] the several States. In short without the spirited exertions of the people to furnish the Treasury with money it will be impossible to proceed in our affairs: We therefore rely upon your exertions at this critical time for the immediate sending to the Treasury what yet remains of your Taxes.

State of New Hamp^{br}. In Com^{tee} of Safety
Exeter 15 Feb^{y} 1781.

Sir—

You being appointed one of the Recruiting officers from the line of this State, you will receive from the Muster Master at Amherst such men as he shall muster & give your Receipts to him for the same to be by you forwarded to the New Hampshire Line agreeably to the Act of the General Court for raising & compleating this State's quota of the Continental Army passed Jan^{y} 12th 1781. You will receive from the issuing Commissary, who is or may be appointed at that place such Rations of provisions for yourself and party as you are entitled to receive in Camp. You will likewise receive Rations for the new Recruits agreeably to a Vote of the General Court passed Jan^{y} 26th 1781 (a Copy of which you have herewith) and give your Receipts to the Commissary for the same.

Lieut Bezaleel Howe—also to
Joseph Boynton Lieut.

State of New Hamp^{h}—In Com^{tee} of Safety
Feb^{y}. 17th 1781

Sir—

The accounts which this State has agst the United States for transportation the year past (furnished by the Board of War & now to be settled with Mr. Emery) you^{ll} please to make out in your own Name & take his obligation as A. D. Q. Master for payment.

To Joseph Gilman Esquire.

[p. 52.] State of New Hampshire } In Com^{tee} of Safety Exeter Feb^{y} 17th 1781

Sir—

The accounts which you have for Driving Cattle to the Army the year past with the Receipts for those you Delivered at the Army, You'l please to settle with Mr. Emery

taking his Receipts for the receivall of the same & his obligations as A. C. of P. for payment of Driving.

To Capt Eliphalet Giddinge.

State of New Hampshire } In Com^tee of Safety Exeter March 2^d 1781

Sir—

The Accounts which this State has against the United States for supplies to the Continentall Troops the year past furnished by the Issuing Commissary Thomas Bickford and now to be settled with Mr. Emery, You^ll please to make out in your own name & take his obligation as Ass^t Dep^ty Quar^tr Master for payment.

Col^o Supply Clapp.

State of New Hampshire } In Com^tee of Safety Exeter March 9^th 1781.

Sir—

We wrote you on the 9^th ult^o that application had been made to Col^o Hunt to furnish the necessary supplies for the Recruits now raising in the Western District, since which by a Letter from s^d Hunt we find he declines the business. Therefore agreeably to our first directions, we request you to undertake the business of supplying the Troops to be mustered at Keen & that you call on Francis Blood Esq for supplies accordingly.

Col^o Timothy Ellis &
Gen^l Moses Nichols.

[P. 53.] State of New Hampshire } In Com^tee of Safety Exeter March 9^th 1781.

Sir—

You are desired to furnish Gen^l Nichols at Amherst & Col^o Ellis at Keen with such quantities of Beef or Pork,

Meal or Flour as may be necessary to supply the Troops now raising in the western part of the State with Rations while at the places of Rendezvous & when they march to carry them to the next Issuing Commissary agreeably to a vote of the Gen[l] Court, & you are to receive such quantities of meal or Flour from any Town or Towns as may be necessary for the above mentioned supplies & to assure such Town or Towns that the value of such supplies of Meal & flour will be deducted out of their proportion of Beef or paid for in money as the Gen[l] Court may determine & you are to give your Receipts to the Towns accordingly.

To Francis Blood Esq
of Temple.

State of New Hampshire } In Committee of Safety Feb[y] 16[th] 1781.

To Sam[l] Wells Serj[t] Maj[r] 1[st] N. H. Reg[t].

Sir—

You are desired to repair to Keene in the State of New Hampshire and there to receive from the Muster Master at said place all such men as he shall muster & give your Receipts to him for the same to be by you forwarded to the New Hampshire agreeably to the Act of the Gen[l] Court for raising and compleating this States quota of the Continental Army passed Jan[y] 12[th] 1781. You will receive from the Issuing Commissary who is or may be appointed at that place such rations of provisions for yourself & party, as you are entitled to receive in Camp—you will likewise receive [p. 54.] Rations for the new Recruits agreeably to a Vote of the Gen[l] Court passed Jan[y] 26[th] 1781 (a Copy of which you have herewith) and give your Receipts to the Commissary for the same.

Exeter March 31, 1781.

Sir—

General Washington has wrote in the most urgent manner for the Recruits to be sent forward as speedily as possible; Upon which the General Court have directed me to write to the officers appointed to receive the Recruits at the several places of Rendezvous in this State to forward

them to the Army as fast as possible agreeable to General Washington's Request and that the Recruits be informed that this State are taking measures for speedily procuring & sending forward to the Army their necessary Cloathing—You will therefore send forward as speedily as possible all the Recruits now ready to march and continue your exertions that the remainder be procured & forwarded without loss of time. If no officer appear to take Charge of them, send them forward under the care of a Serjeant or some careful person the best you can procure.

To Lieut Bezaleel Howe
Joseph Boynton
Samuel Wells Serj^{t} Maj^{r}

[P. 55.] In Committee of Safety Exeter April 7th 1781.

GENTLEMEN—

This Committee being impowered (by a Vote of the General Court passed this day) to Rent out for the present year, the improved Lands of Absentees & of the Subjects of Great Britain lying within this State—You are hereby authorized & requested to Rent out for the present year all the improved Lands of such Persons lying or being within the County of Grafton on the best Terms you can make, for the use of this State & to make Returns of your doings to the Gen^{l} Court or Committee of Safety as soon as may be.

To the Hon^{ble}
Charles Johnston Esq
& Mr James Woodward

State of New Hampshire.
In Committee of Safety Exeter
April 12th 1781.

SIR—

In pursuance of an Act passed by the General Court the 7th Instant Entitled an Act to prevent fraud in Shoes made for the Army of the United States of America,

You are hereby appointed an Inspector of Shoes within

the Town of Exeter and directed to proceed agreeably to said Act.

To Mr Eliphalet Hale Exeter &
Mr Geo Dame Portsmouth.

[P. 56.] State of New Hampshire

In Committee of Safety Exeter April 12th 1781.

SIR.

This Committee being impowered (by a Vote of the Genl Court passed the 7th Inst) to appoint proper persons, to rent out for the present year the improved lands of absentees and of the subjects of Great Britain lying within this State,

You are hereby authorized & Requested to Rent out for the present year all the improved Lands of such Persons lying or being within the Town of Litchfield and if you have knowledge of any other such lands lying or being in the County of Hillsborough you are hereby authorized to rent out the same as above, or to authorize any other suitable person to do the same on the best terms that can be made for the use of this State and to make returns of your doings to the Genl Court or Committee of Safety as soon as may be.

To Lt Colo Saml Chase { Sent a letter by Capt Stone inclosing this & the Resolves of Court 12th Apl 1781

State of New Hampshire } In Committee of Safety Exeter April 13th 1781.

SIR—

By the inclosed Votes of the Genl Court of the 6th & 7th Instant You will see that a Company of men are ordered to be raised for the Defence of Piscataqua Harbour, & that you are appointed Captain, Joseph Huntoon Lt, & Meshech Bell Ensign of said Company—You are hereby directed

to take measures for enlisting said men as soon as may be agreeably to said Vote of the 6th Inst.

To Capt Ebenezer Dearing.

P. S. You have enclosed two other copies of the above Votes which youll Please to deliver to Mr Bell.

[P. 57.] Exeter April 14th 1781.

Sir—You will find by the inclosed vote of the Genl Assembly, that you are appointed a Delegate from this State to the Continental Congress and as it is expected General Sullivan will return home in a short time it is necessary that a Delegate should go forward soon, that this State may not remain unrepresented in Congress. Therefore desire your answer as soon as you can conveniently give it whether you accept, & when you can go forward.

I am &c.

Honble John Wentworth, Junr Esq.

State of New Hampshire } In Committee of Safety

Exeter April 19th 1781.

Sir—

You being appointed to rent out farms of Absentees &c in the County of Hillsborough you are hereby Impowered to agree with the persons now living on said premises or any other persons (and in case you cannot agree to refer the same to two or more suitable persons) to rent out said farms untill the first day of march next the Rents to be estimated at what the farms are worth in their present situation. You are to give proper Leases of the same & the persons who shall hire the same to pay all Taxes exclusive of the Rent.

To Colo Saml Chase.

[p. 58.] State of New Hampshire } In Committee of Safety Exeter, April 19th 1781.

Sir—

Inclosed you have a Vote of the General Court of the 5th Instant directing that two Companies should be raised for the Western frontiers

The Proportion of said men to your Regiment, i. e.

- Colo Timthy Ellis 1. C. 1. Lt 44. p.
- Late Colo Bellows 1 Capt. 29 p
- Col. Isl Morey 1. Lt. 16. p.
- Colo Jonn Chase 1. Lt 23 p
- Col Dl Webster 1. Lt. 12 p.

Which you are to raise agreeably to said Vote & to have them Rendezvous at the time & place therein mentioned well armed & equipped. And you are to call on the Selectmen of the respective towns in which said men are raised to pay each soldier two Dollars per mile travel money from their respective homes to the place of Rendezvous and inform them that the same shall be allowed out of their tax for the present year.

State of New Hampshire } In Committee of Safety Exeter April 19th 1781.

Sir—

As it is necessary that a Commissary of Purchases should be appointed for the Troops raised for the defence of the western frontiers—You are hereby appointed for that purpose, and authorized to call on the selectmen or Constables of the several Towns in the County of Grafton and on the towns of Plainfield & Cornish in the County of Cheshire for [p. 59.] any sums of money you may have need of from time to time for the supplying said Troops with provisions, not exceeding one fifth part of the proportion of said towns to the tax of one hundred & twenty thousand pounds raised by this state for the current year. And if any town incline to deliver Beef or Flour at the current market price at the places where said Troops may be stationed—You are to receive the same and you are to deliver said Provisions to Lieut Jonathan Ring who is appointed an Issuing Commissary for said troops, taking his Receipts for the same & the

sum or sums so furnished by any towns shall be allowed out of the tax above mentioned and make return from time to time to the General Court or Committee of Safety of your proceeding in consequence of the above.

P. S. inclosed is a Vote of the General Assembly relative to raising & paying said Troops.

To Moses Dow Esq.

[P. 60.] State of New Hampshire } In Committee of Safety, Exeter April 19th 1781.

Sir—You will find by the inclosed Vote of the General Assembly that two Companies are to be raised for the defence of the Western frontiers, and as it is necessary that an Issuing Commissary be appointed for that purpose & you are from time to time to call on Moses Dow Esq. who is appointed Commissary of Purchases for Beef & flour for the Supply of said Troops and receipt for the same. And you are to deliver to each officer & soldier customary rations agreeable to said Vote. And you are to make Return of your proceedings of [to] the General Court or in their Recess to the Committee of Safety.

To Lt Jona Ring.

State of New Hampshire } In Comtee of Safety Exeter April 19th 1781.

Sir—

Inclosed you have the Vote of Court for raising two companies of men for the defence of the Western frontiers. We have proportioned the men in the following manner, vizt to Colo Ellis's Regiment One Captain, one Lieut & forty four privates. Late Colo Bellows Regt. one Capt & twenty nine privates Col Moreys One Lieut & sixteen [P. 61.] privates, Col Chases One Lieut & twenty three privates; and Col. David Websters One Lieut & twelve privates.

We have appointed Moses Dow Esq to procure provisions and Lieut Jona Ring as Issuing Commissary—Hope

the measures we have taken will be agreeable and doubt not you will give the necessary directions for stationing the Troops &c.

To Col° Charles Johnston.

State of New Hampshire } In Com^tee of Safety Exeter April 19^th.

Sir.

The inclosed Letters containing Votes of Court & Orders for raising men we have thought proper to send to you. Your forwarding the same will oblige the State.

I am &c.

Gen^l Benj. Bellows.

P. S. Have forwarded sundry Acts & Proclamations to you. Your sending the same to the Towns they are directed to will be esteemed a favor.

State of New Hampshire.

Exeter April 21^st 1781.

To { Matthew Pattin, Thomas Sparhawk } Esqs

Judges of Probate of Wills } for County Hillsbo^r for County Cheshire

Sir—Agreeable to the above Vote* of the Gen^l Assembly, I am to Recommend your punctual compliance with the Directions of the same.

I am &c.

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* for the Vote see, April 3^d 1781.

[p. 62.] State of New Hampshire } In Com^tee of Safety Exeter, April 27^th 1781.

Sir—

Your letter of the 10^th instant have received & shall give

you directions respecting the money you have on hand by Col Dearborn who expects to set out for Camp in few days. Inclosed you have a copy of a Vote of the Gen[l] Court of the 6[th] instant by which you[u] see, that the men lately belonging to the Comp[y] commanded by Maj[r] Whitcomb, are entitled to the same gratuities &c as others of the New Hampshire. You have likewise indorsed an account of monies which have been advanced here to soldiers of the New Hampshire Line & Whitcombs men, which sums you will observe are to be by them accounted for in the same manner as the money which has been or may be paid by you to soldiers in Camp shall be accounted for.

Mr Jedidiah Jewett.

State of New Hampshire } In Com[tee] of Safety May 4[th] 1781.

Sir—

You are hereby directed to take particular care that all officers & others belonging to any Flagg now lying in the Port or Harbour of this State or that may hereafter arrive for the purpose of bringing Prisoners or any other Purpose be confined to their respective vessels & not permitted to come on shore on any pretence whatever; And you are not [p. 63.] to suffer any person to go on Board them unless under your direction for furnishing them with necessary Provisions &c.

To Capt Ebenezer Dearing, commanding Officer of the Forts at Piscataqua Harbour.

State of New Hampshire } In Com[tee] of Safety Exeter May 4[th], 1781.

Sir—

Whereas a Warrant has been presented to the Commissioner of the Loan Office for this State drawn by the President of Congress & dated the 28[th] Feb[y] for the sum of fifty one thousand seven hundred & twenty six Dollars in Bills of the new Emission for the purpose of paying the Troops of the New Hampshire Line, which Warrant is Indorsed in

your favor & there not being money in the Loan office to discharge the same—You are desired to call on Mr Jedidiah Jewett for such sum of money as he may have in his hands belonging to this State (after deducting such sum as may be necessary to compleat the payments to those soldiers of the N. H. line who have not received the 15 Dollars each agreeably to Directions formerly given to Mr Jewett) provided the same can be applied for the sole purpose of paying the officers & soldiers of the New Hampshire line & not otherwise. In case that can be done, you are desired to Indorse such sum as you may receive on the back of said Warrant and give Mr Jewett a receipt for the same.

To Lt Col Henry Dearborn.

[p. 64.] State of New Hampshire. } In Comtee of Safety Exeter May 4th 1781.

Sir—

You are hereby directed to pay Col Henry Dearborn what money you may have on hand belonging to this State (after deducting such sum as may be necessary for compleating the payments of 15 Dollars to those soldiers who have not received the same of you & have not received any of Mr Gilman an account of which was sent you by Capt Robinson) provided said money can be appropriated for the sole purpose of paying the officers & soldiers of the New Hampshire line of which you will be informed by Colo Dearborn, and you are to see the same Indorsed on a Warrant drawn by the President of Congress on the Loan officer of this State which warrant is now in the hands of Colo Dearborn. You are likewise to take Colo Dearborn's receipt for the same.

To Mr Jedidiah Jewett.

State of New Hampshire } In Comtee of Safety Exeter May 5th 1781.

Sir—

As it is necessary that a Return of all provisions now in this State, should be made to his Excellency the Commander in Chief—You are hereby desired to make a Return of

all provissions by you *by you* collected in pursuance of an Act of this State what quantity has been disposed of for the use of the Troops & where the remainder is now stored. You are likewise *do* make Enquiry of what quantity of Provisions is now stored at Charlestown (or any other place in this State) belonging to the United States & in whose care [P. 65.] the same now is & make Return of the same, with the return of Provisions by you collected to this Committee as speedily as possible.

To Francis Blood Esq.

State of New Hampshire } In Com^{tee} of Safety Exeter May 4th 1781.

To Col^{o} Joshua Wentworth.

SIR—

You are hereby desired to Muster all such persons that have inlisted or that may be raised to serve as soldiers in Capt Dearings Company raised for the Defence of Piscataqua Harbour agreeable to a Vote of the Gen^{l} Assembly of the 6th of April last, And you are to pass none but able bodied effective men, and to return a Roll of the Persons mustered to the Gen^{l} Assembly or Com^{tee} of Safety for said State.

In Com^{tee} of Safety Exeter May 25th 1781.

SIR—

Whereas Maj^{r} Gen^{l} Heath (in consequence of orders from his Excellency Gen^{l} Washington) hath this day laid before the Committee a representation of the critical & dangerous situation of our army for want of supplies of meat, and that there is an absolute necessity of sending forward a number of Beef Cattle immediately

You are hereby requested to proceed immediately to the [P. 66.] several Towns in your District & earnestly request of them, that they deliver as many Beef Cattle as they can possibly procure which will be allowed out of the Beef apportioned to them by the act of the Gen^{l} Court of the 27th of January last. You will represent to the Selectmen the absolute necessity of an immediate Supply or the Army

must infallibly break up & we cannot doubt but every friend to the common cause will exert himself at this critical time.

To Capt E. Giddinge & / Coll^r Gen^l
F. Blood Esq. \ Beef Catt^l.

In Com^tee of Safety Exeter May 25^th 1781.

Sir—

By the inclosed Orders you will see the absolute necessity of collecting and sending to the Army immediately as many Beef Cattle as possible.

You are requested on the receipt of this immediately to apply to the several towns in your district & obtain certain information what number of Cattle can now be had & make return of the same to the Gen^l Court on the first day of their next session. It is likewise necessary that returns [p. 67.] should be made of all the Beef now salted within your district in consequence of the act of the Gen^l Court of the 27^th of Jan^y last & in whose care & at what places the same now is—Agreeably to Directions sent you the 5^th instant.

Francis Blood Esq Coll^r Gen^l
Beef Cattle.

Exeter May 25^th 1781.

Sir—I wrote you sometime past earnestly requesting you to accept the appointment of a Deputy Quarter Master for sending forward Beef Cattle Stores &c to the Army from your part of the State since which I have received a Letter from Col^o Hatch D. Q. M. G. informing me that he had wrote you on the subject and I must renew my request that you will undertake the business as there is the greatest necessity of some person at Charlestown being immediately employ'd for that business and I know not who else to apply to. Please to let me know as speedily as possible that you will accept.

Col^o Samuel Hunt.

In Committee of Safety Exeter May 26th 1781.

Sir—

By Lieut Joshua Merrow who has the care of a party of Recruits from this State, we send a person by the name of Jason Tyler, who says he belongs to Wallingford in your State. He was apprehended the 23d inst on suspicion of his being an enemy to the United States. The Evidence [p. 68.] which we have had against him is one John Lawrance, who was apprehended & brought to this place sometime past (Lawrance acknowledges himself a Deserter from Colo Meigs Regiment Capt Leavensworths Company in which he was engaged during war). He has Deposed, that he saw said Tyler on Long Island about the month of May 1779—And that said Tyler then & there (mentioning the particular place, House &c) informed him that he had one hundred Thousand pounds Counterfeit money which he had received from Rivington & that he was going to distribute the same on the Main.

He likewise mentions other conversation which he & said Tyler there had. Both Lawrance and Tyler being strangers here & their Characters to us unknown, we have thought proper to send them to you to be conducted with as you shall think best—One Circumstance which adds much to the validity of Lawrances evidence is that he without (as we have sufficient grounds to believe) having seen said Tyler since his coming into this part of the country & before he was pursued to be apprehended, gave a particular description of his person, age &c.

I have the honor &c.

His Excellency Jonathan Trumble Esq
Govr of the State of Connecticutt for
Postscript see the next Page.

In Committee of Safety Exeter May 26th 1781.

To Lieut Joshua Merrow—

You are hereby directed to take under your care one Jason Tyler (who has been apprehended on suspicion of his being an enemy to the United States of America and who

is now in Custody of Mr. Simeon Ladd and him safely de- [p. 69.] liver to his Excellency Jonathan Trumble Esq Governor of the State of Connecticutt as soon as may be & at the same time to deliver to his Excellency the Letter herewith given you.

You are likewise directed to take with your party one John Lawrance (now in custody of said Ladd) and conduct him in safety to his Excellency as an Evidence against said Tyler.

P. S. Since the foregoing Letter was wrote Tyler it seems has drawn up a Deposition to invalidate Lawrance's Evidence, & has procured one Danford a Soldier to make oath to the same. Danford has been with the Com^tee & asserts that at the time of his making Oath he was intoxicated & has no knowledge of the matters contained in the s^d Deposition, that his intoxication was occasioned by repeated draughts of Liquor being given him by the said Tyler prior to the drawing up said Deposition. His Conduct in procuring this & some other Depositions in this place give the Com^tee great reasons to suspect him—doubt not but your Excellency will cause proper examination to be made respecting the matter.

Exeter June 2^d 1781.

[p. 70.] State of New Hampshire } In Com^tee of Safety Exeter July 5^th 1781

Sir,

You are hereby directed to send forward as soon as may be the prisoners in your Custody to the Commissary of Prisoners at Boston under a proper Guard to be taken from Capt Dearing's Company if they can be spared—if not you are to apply to Col^o Joshua Wentworth for a draught from the Militia to serve as an Escort to the said Prisoners.

I am &c.

M. Weare Presid^t

Capt M. Woodward Com^sy Prisoners.

State of New Hampshire } In Com^tee of Safety Exeter July 5th, 1781.

To Maj^r Gen^l Nathaniel Folsom

Sir,

You are, in addition to the Act for raising the Regiment of Militia to inform that the Travel money allow'd by said Act will be paid at the place or places which may hereafter be appointed for collecting them together in order to march by a person or persons appointed for that purpose.

M. Weare, Presid.

State of New Hampshire } In Com^tee of Safety July 5th 1781.

Sir

You are hereby directed to proceed in searching for Isaac Walker & W^m Putney of Hopkinson—Michael Ames & Israel Rand of Warner, James Kelley of Stratham & James Randall of Chester or Nottingham, who have lately deserted from Capt Eben^r Dearings Company stationed at [p. 71.] Piscataqua Harbour—And if they can be found to secure & return them to the said company. And all officers Civil & Military are hereby required to give you their aid & assistance in finding, securing & sending on to their company the said Deserters.

M. Weare, Pres^t.

L^t Joseph Huntoon.

State of New Hampshire } In Committee of Safety Exeter July 6th 1781

Sir,

The Commissioners who met at Providence on the 26th Ult^o agreed that this State should supply the Army with 90,000 lb. of fresh beef within the present month exclusive of Hides & Tallow—And that 45,000 lb. be supplied after that on the 11th and a like quantity on the 25th days of each respective month (exclusive of Hides & Tallow) from the present to the month of December next inclusive to be punctually delivered at Camp on said days.

Agreeably to which you are hereby directed to deliver to the proper Officer in order that it may be sent forward 40,000 lb Beef within your district (exclusive of Hides & Tallow) to be delivered at Camp this month including what you may have sent forward since the month came in—And after that to supply with 20,000 lb to be delivered at the Army on the 11th day of August with the greatest punctuality—And a like quantity to be delivd there on the 25th [p. 72.] day of said August—And you are to continue to supply in the same manner viz' with 20,000 lb on the 11th and a like quantity on the 25th days of each respective month to the month of December next inclusive—The General Court have accepted the report of the Commissioners & it appears of the greatest importance that it should be complied with, with the utmost exactness & punctuality.

I am &c.

M. Weare.

Francis Blood Esq. Collr Genl Beef.

State of
New Hampshire } In Comtee of Safety July 6th 1781.

Gentn—

This Comtee being directed by a Vote of the Genl Court of the 4th inst to procure this States Quota of Rum for the Continental Army & to receive the same from any Towns instead of the Beef apportioned to them by a late Act of this State estimating the price of Said Beef & Rum as they can agree on, or otherwise to purchase the same: Having concluded to receive six Gallons of Good West India Rum full proof, or Nine Gallons of good New England Rum instead of each Hundred weight of Beef, Now propose the same to you supposing it would be most convenient for you to furnish Rum.

As there is a necessity of having a quantity of Rum immediately would be glad of an Answer by the Bearer, Whether you will furnish any, and if so what quantity.

M. Weare Prest.

Selectmen of Portsmouth.

[P. 73.] State of New Hampshire } In Com^tee of Safety
Exeter July 12^th 1781.

Sir,

You are desired to receive Beef Cattle in any Towns or places within your District where the same may be collected in Droves to be forwarded to the Army, & Charge the expenses attending the same to the United States.

M. Weare Presid

To Noah Emery Jun^r Esq.
Assist^t D. Q. M.

State of New Hampshire } In Com^tee of Safety
Exeter July 19^th, 1781.

Sir,

General Stark having represented to this committee that he (sometime past) purchased three Lotts of Land lying in Dunbarton which Lotts were sold by you, as a Trustee to confiscated estates, and as there is money due to Gen^l Stark from the Public, You are hereby directed to postpone calling on him for payment of said lands untill further Orders from the Gen^l Court or their Com^tee of Safety.

To Stephen Harriman Esq.

State of New Hampshire } In Com^tee of Safety
Exeter July 20^th 1781.

Sir,

You are desired to stop in your hands the Wages due to the following soldiers who desarted from your Company viz^t Isaac Walker three pounds: Michael Ames three pounds: Will^m Putney three pounds and Israel Rand three pounds for which sums you are to be accountable.

M. Weare Presid^t

£12–0–0. To Capt. Ebenezer Dearing.

[P. 74.] State of New Hampshire } In Com^tee of Safety
Exeter July 20^th 1781.

Sir,

You are hereby directed, that whenever you deem it

necessary to have any of your Company tried by a Court Martial & Continental Officers cannot be conveniently had, to try them—to apply to such Militia Officers in Col[o] Wentworths Regiment as may serve to constitute s[d] Court which Officers are hereby directed to attend upon the said business when applied to for that purpose.

M. WEARE Presid

Capt Ebenezer Dearing.

Exeter July 20[th] 1781.

SIR,

You may recollect, that when you left the General Court I desired to be informed weekly if you could or as often as you could have an opportunity of your success in collecting & sending forward beef Cattle to the Army, that I might be able to give information from time to time of what supplies might be depended on; But I have not received any information from you respecting this matter. By accounts from General Washington, we are greatly deficient in our quota of supplies of fresh as well as salt provisions, which may prove of the most fatal consequence. I must intreat you, Sir, to use your utmost Exertions at this important [P. 75.] crisis, and give me as speedy information as possible of what Beef Cattle you have already collected and sent forward and of what assurance you have of being able to comply with the last directions sent you, agreeable to the report of the Delegates at Providence, which is not only necessary to be complied with, but a much larger proportion will be wanted as we are greatly deficient in salted Provisions—I must repeat my request for as speedy an answer as may be, and as particular an account as you can give me.

And am

With much respect

Your Hum[ble] Serv[t]

M. WEARE Presd[t]

Francis Blood Esq

State of New Hampshire } In Com[tee] of Safety
Exeter July 27[th] 1781.

Pursuant to a vote of the Gen[l] Assembly of the 27[th] of

June 1781 authorizing the Com^tee of Safety to establish a Post to ride from Portsmouth to the western parts of this State, & agreeable to the proposal of Mr. John Balch of Keene, he the said John Balch is hereby appointed a Post rider for the term of three months to set out from Portsmouth on Saturday morning to ride to Haverhill by the way of Concord and Plymouth thence down the river to Charlestown, Keene & to Portsmouth again, which tour is to be punctually performed once in each and every fourteen days during said term, unless this Com^tee shall think it most convenient for the public good, that the said Balch should [P. 76.] sometimes alter his Rout. The said Balch is to convey all public Acts, Letters and Dispatches free from Charge. For which Service he shall receive from this State the sum of Seventy hard Dollars or Paper money equivalent.

M. WEARE Presd^t

I, John Balch, do hereby agree to the foregoing proposals and engage punctually to perform the duty of a Post-Rider agreeably thereto.

JOHN BALCH.

A Copy

State of } In Com^tee of Safety
New Hampshire } Exeter July 28^th, 1781.

SIR,

The Com^tee having received information that a party of men from the enemy have lately been at Sundry Towns in the County of Grafton, that they took M^r Joseph Whipple at Dartmouth; but he was so fortunate as to make his Escape, that they carried off many of his Goods &c & that the people in that part of the Country are much alarmed & must soon quit their habitations unless some assistance is afforded them, Therefore You are hereby directed to raise as soon as possible the men apportioned to your Regiment agreeably to a Vote of the Gen^l Court of the 5^th of April last or in case the whole cannot be raised such a number of them as may be sufficient for scouting parties & to put

them under the Command of Col° Johnston agreeably to former Directions given you.

M. WEARE.

To Col° Timothy Ellis, Commander of the late Col° Bellow's Reg^d Col° Israel Morey, Col° Jon^a Chase & Col° David Webster.

[p. 77.] Exeter July 28th, 1781.

SIR,

I have received your favors of the 23^d & 25^th inst In answer to which, with respect to your appointment as an assistant Deputy Quarter Master altho' I must confess that Col° Hatch's letters to you are not so explicit respecting the office you are appointed to, as I expected, yet I think that it must be understood in that light, as this is agreeable to what I wrote to Col° Hatch, and the appointment is in consequence of what I wrote him. I have likewise conferred with M^r Emery respecting the matter who thinks there can be no doubt or dispute in the matter if you sign as assistant Deputy Quarter Master.

I am sensible that you will meet with many difficulties in your quarter, but the supply of the Army is all important, & every exertion must be used for this purpose at this important crisis.

The Difficulty respecting the money is truly alarming—as for hard money we have none, nor can it be procured on any terms. The Com^tee have sent you, by M^r Balch who is employ'd as a Post Rider three hundred pounds of the continental new Emission and will furnish you with more [p. 78.] as necessity may require, if this will answer, and if the Continental Currency will not answer we have it not in our power to furnish any other; And I know not what can be done if this should be the case that the people in General are so void of any regard for the good of the public as to refuse taking the only medium we have; I desire you to inform me of it as speedily as may be that the matter may be properly represented to General Washington & to Congress or such other methods taken as the necessity of the thing may require.

I am &c.

M. WEARE.

Col° Samuel Hunt.

State of } In Com^tee of Safety,
New Hampshire } Exeter August 3^d 1781.

Sir—

You are hereby directed to inform this Committee as speedily as possible how long the Beef you mention in your Letter of the first instant has been upon hand and from whom it was purchased and what Quantity you now have that is spoiled, as the Committee have been several times informed that there was not any Beef in the Store.

M. Weare, Presid^t.

M^r Tho^s Bickford Com^sy Issues
at Portsm^o.

State of } In Com^tee of Safety
New Hampshire } Exeter Aug^t 3^d 1781.

We have this day received your Memorial and Petition of [p. 79.] the 5^th July—In answer to which we would observe, that it is not in the power of this Committee to give you immediate Relief, And the calling the Court together at this busy season would be attended with many Difficulties; but we have not any doubts, but the General Court on their first meeting will take the Memorial under consideration and give such Relief in the case as will be adequate, as we are fully persuaded it was the intention of the Court, that your wages should be made as good at the time of payment as when you engaged the Service.

M. Weare Presid^t

To the Soldiers at the Forts.

State of } In Com^tee of Safety Exeter
New Hampshire } August 10^th 1781.

Gentlemen,

We have received your Petition by Col^o Page and observed the Contents—are sorry to find that the enemy have made an Incursion into your Quarter. We have consulted Col^o Page & Joseph Whipple Esq. respecting the matter & have directed a Company of thirty men to be raised for a

scouting party to serve untill the first day of November next unless sooner discharged. We have appointed Col" Page & Joseph Whipple Esq to see the men supplied with [P. 80.] provisions &c. You are requested to furnish them with the Quantity necessary (without which the men cannot Subsist) for which you will be paid by the State or allowed out of your proportion of Taxes.

M. WEARE Presid[t]

Selectmen of Conway.

State of New Hampshire } In Com[tee] of Safety Exeter Aug[t] 10[th] 1781.

To ——— ———

You are hereby directed to enlist a Company of thirty able bodied effective men well armed & accoutred to serve as a scouting Party for the defence of the frontiers of this state untill the first day of November next unless sooner discharged—the men when raised to be Commanded by you. And you are to call on ——— who is appointed your Lieut for his assistance in raising said men—You are hereby also directed & authorized to appoint two Serjeants & two Corporals—You will be entitled to the same Wages &c as officers of your Rank in the Continental Army, and you may assure the Men that they shall have the same pay & depreciation as soldiers in the Continental Army have. You are to follow the directions which may from time to [P. 81.] time be given you by Col" David Page And Joseph Whipple, Esq. or either of them—as the men are to be raised for the immediate protection & defence of the People in your Quarter and the western Part of this State on whom the Enemy have lately made cruel depredations—doubt not but you will exert yourself in raising them as speedily as possible.

State of New Hampshire } In Com[tee] of Safety Exeter Aug[t] 10[th] 1781.

To ——— ———

You are hereby appointed Lieutenant of a Company of thirty men to be raised as a scouting party to serve untill

the first day of November next unless sooner discharged to be under the Command of Capt^{n} ——— You will be entitled to the same wages &c as any officer of your Rank in the Continental Army.

State of New Hampshire } In Com^{tee} of Safety Exeter Augst 10th 1781.

Sir,

The Com^{tee} have received information that Col^{o} David Webster has sent on to your care the men he was directed [p. 82.] to raise in his Regiment for the defence of the frontiers—if this be the case, you are hereby requested to send them forward immediately to the upper Coos there to be placed under the direction of Joseph Whipple Esq who will on their arrival see that Provision is made for their support—which measure appears to be necessary, as some depredations have lately been committed by the Enemy in that quarter.

M. Weare Presd^{t}.

Col^{o} Charles Johnston

Exeter August 11th 1781.

Sir,

I received your favor of the 7th inst^{t} By M^{r} Balch, am very sensible of the difficult Situa[tion] you are in by reason of the mad Conduct of Vermont and the People in your parts which has thrown every thing into Confusion.

General Sullivan in his Letter of the 10th Ult^{o} says that he & M^{r} Livermore had received the Letter and Instructions which were sent them by order of the General Court, and in which was inclosed Copies of the Representations which were some time since made of the difficult situation of affairs in the western parts of this State which were delivered by M^{r} Sparhawks & yourself to the General Court—that they were immediately laid before Congress & referred to a Committee with directions to report as soon as possible that he expected the result would be a prohibition to the pretended State of Vermont exercising any Jurisdiction East of the River and an appointment of a day for

[P. 83.] proceeding upon the examination of the dispute. Mr Livermore in his Letter of the 24th Ult° which was receiv'd yesterday says "that the dispute is in agitation & I hope will soon be ended."

The General Court are to meet on the 22d instant, and doubt not but they will do every thing in their power for the Protection & support of the Counties of Cheshire & Grafton.

Col° Tim° Ellis.

State of New Hampshire } In Committee of Safety Exeter, August 18th 1781.

Sir,

As there was no Commissary of Prisoners in this State, the General Court appointed Capt Moses Woodward of Portsm° as Commissary—But this Committee supposing that the appointment ought to be in a regular Channel as pointed out by Congress, and as there are a number of Prisoners now in this State, which makes the appointment the more necessary—

You are hereby requested to appoint the said Capt Woodward a Deputy Com^s^ of Prisoners for this State, and forward his appointment by the next return of the Post, or in case you decline making the appointment you are desired to inform this Com^tee^ of the same.

I am &c

John Hopkins Esq Dep^ty^ Coms Pris^nrs^.

[P. 84.] State of New Hampshire } In Com^tee^ of Safety Exeter Aug^st^ 18th 1781

Sir,

You will receive herewith a Warrant for apprehending Robert Young of Salem which you are requested to deliver or convey to the officer most likely to do the business effectually. Some names of Witnesses are inserted in the Summon & if it shall appear to you by examining the List

of evidences that any material ones are omitted you are desired to put in their names, provided the number added shall not exceed two or three.

I am &c

John Calfe Esq^re

State of New Hampshire } In Com^tee of Safety Exeter August 18^th 1781

L. S.

To the Sheriff of the County of Rockingham his Under Sheriff or Deputy or either of the Constables for the Town of Salem in said State— Greeting.

Whereas information has been given to this Committee that Robert Young of Salem in the County aforesaid yeoman has been guilty of sundry Practices inimical to the United States; Therefore

You are hereby required in the Name of the Govern- [p. 85.] ment & People of said State forthwith to apprehend the body of the said Robert Young if he may be found in your Precinct, and bring him as soon as may be before the Committee of Safety for this State to be examined touching the matters alledged against him that he may be dealt with as to Justice shall appertain. Hereof fail not and make Return of this Warrant with your doings therein.

M. Weare, Presid^t.

Summon for evidences Moody Morse Gentleman, William Duty Yeoman Stephen Currier Yeoman all of Salem, Thaddeus Butler of Pelham Physician, Evans Jones of ——

Copy

State of New Hampshire } In Com^tee of Safety Exeter Sept 11^th 1781

To Lieut Col^o Daniel Runnels

Sir,

In Consequence of Orders received from His Excellency

General Washington the Committee have given orders for two thirds of the Militia ordered to be raised by the Act of the Gen[l] Court of the 4[th] of July, to be immediately marched [p. 86.] & to be at Springfield by the 25[th] Instant—as you are to Command them should be glad to see you here on Thursday next if possible.

M. WEARE Pred[t]

Copy

State of New Hampshire } In Committee of Safety Exeter 11[th] Sept[r] 1781.

To Col[o] ———

SIR,

Pursuant to Orders just received from His Excellency General Washington—You are hereby required to give Orders immediately for the marching of two thirds of the number of men apportioned to your Regiment by an Act of the General Court of the 4[th] of July last under the Officer or Officers called for from your Regiment. They must be at Springfield by the 25[th] Ins[t] where they will receive Orders from the Officer appointed to Command the Regiment. By the aforesaid Act the men were to receive Six pence per mile New Emission for travel money from their Homes to the place where they shall draw Continental Rations; But the money is now in such a situation as will not answer the purpose & there is not any other in the Treasury—You are therefore desired to call on the several Towns to furnish the men with the necessary Supplies to carry them to Springfield where they will draw provisions and assure them, that they will be paid for the same by the State.

You are required to Return to this Committee by the 25[th] [p. 87.] Instant without fail the names of the Officers & Soldiers which may be raised from your Regiment with the times they Marched.

M. WEARE Presid[t]

To Colonels Wentworth, Evans &c as mentioned in the Act passed 4[th] July 1781

Copy.

State of } In Committee of Safety
New Hampshire } Exeter 13th Sepr 1781.

To Daniel Raynolds Esq. Lt Colo Comdt

Sir—

You are hereby directed to repair to Springfield by the 25th of this Instant and there to receive & send forward the Regiment (which you are appointed to command) raised to reinforce the Continental Army to the Command of Majr Genl Heath at Head Quarters on Hudsons river as soon as possible.

M. Weare, Presdt

State of } In Comtee of Safety Exeter
New Hampshire } Sept 14th 1781.

To John White Junr of Haverhill.

Sir—

Whereas we are informed that you are appointed by Colo Joshua Wentworth to receive the Rum to be procured by the several Towns, Parishes & Places within this State agreeably to an Act of said State passed the 31st day of August: And as we have other Rum on hand exclusive of the aforesaid Rum, You are therefore desired to receive [p. 88.] into your Care & Custody all the Rum which the Selectmen of Kingston shall deliver to you on behalf of the State of New Hampshire for which, after gauging & proving, you will please to receipt for the same to the selectmen of said Town.

M. Weare Pres.

Copy

State of } In Comtee of Safety
New Hampshire } Exeter Sept 26th 1781.

Sir—

By a Letter from Genl Heath of the 17th Instant we are informed that the enemy have lately sent a Brigade of Troops from Quebec to St. Johns and by their preparations he apprehends it is probable they intend coming to the Settlements on Connecticut river—That if our militia were

not on the march towards Head quarters they might rendezvous at Charlestown N° 4—Therefore you are hereby required to march as soon as may be with the men under your Command to Charlestown in this State leaving some trusty Officer at Springfield to collect & march forward to Charlestown such men as may arrive, you march and if any men have set out before this reaches you for Camp would have them countermanded—You will call on the Issuing Commissary at Springfield to supply you with the necessary provisions to carry you to Charlestown.

We shall endeavour to have necessary provision made against your arrival there and further orders for your pro- [p. 89.] ceedure—We shall likewise request of General Heath that your Regiment may not be called for to the Southward & shall send forward the men that have not already marched to Charlestown as soon as may be.

JOSIAH BARTLETT Chair[n]

Daniel Raynolds Col° Commandant.

Copy.

State of New Hampshire } In Com[tee] of Safety Exeter Sept 26[th] 1781

SIR—

You are hereby desired to proceed to Springfield with the dispatches for Col° Raynolds and deliver the same to him as soon as possible. As he is directed to proceed with the men under his command to Charlestown in this State as soon as may be—You are desired to give orders to all Officers & Soldiers belonging to his Regiment which you may see on the Road to march by the nearest way to Charlestown excepting who may be within about 30 miles of Springfield who may march to that place without loss of time—You will make returns of your doings to this Committee as soon as may be.

JOSIAH BARTLETT Chairm[n]

Capt Daniel Gorden—

Copy.

State of } In Com^tee of Safety Exeter
New Hampshire } Sept^r 27^th, 1781.

SIR—

In consequence of a Letter from Gen^l Heath of the 17^th Instant informing that a Brigade of Troops have lately arrived at St Johns from Quebec and that it is probable they intend coming to the Settlements on Connecticutt river

[P. 90.] Our militia who were lately ordered to be sent to Springfield are now to rendezvous at Charlestown No 4 in this State if the men are not already marched from your Regiment you are directed to order them to march to Charlestown as soon as possible.

JOSIAH BARTLETT Chairm^n

To Colonels, Joshua Wentworth Stephen Evans
Jonathan Moulton John Webster
Jacob Gale & John Bell Esqrs—

Copy.

State of } In Committee of Safety Exeter, Sept^r
New Hampshire } 27^th 1781.

SIR—

Inclosed is a Copy of a Letter from General Heath, in consequence of which, we have ordered the militia raised by this State commanded by Col^o Raynolds to rendezvous at Charlestown as soon as possible.

You will see by said letter, that the General thinks proper, that the Issuing Commissary in this State should be ordered to serve them provisions: but the Committee, not knowing who is Issuing Commissary nor the situation of the Continental Stores at Charlestown are desirous if there is any person appointed, that you would inform him of the matter if not, that you would undertake the issuing said [P. 91.] provisions, in case you cannot, that you would appoint some proper person to do it—if there is no Continental Stores, you will please to call on Francis Blood Esq for supplies of Beef & Bread from time to time as you may stand in need of, as we have wrote to him to furnish you with supplies for that purpose—As you are Deputy Quarter

Master we expect you will do all in your power to furnish officers & men with barracks, fuel & cooking utensils

By Order of Com^tee^

JOSIAH BARTLET Chairm^n^

To Col Samuel Hunt.

P. S. As these men are raised at the Expense of the United States, you will receipt for any provisions &c which you may receive from Esq Blood in the same manner you have done for the Beef Cattle, and Issue any salted Beef or any other provision or Stores, which you may have belonging to the United States, that may be necessary for them.

If there is not any ammunition belonging to the United States which these men may obtain, you will see that they [p. 92.] are furnished from the Stores belonging to this State, & call on any person or persons who may have charge of the same for that purpose.

Please to write us as soon as possible.

Copy. J. BARTLETT Chairm^n^

State of New Hampshire } In Com^tee^ of Safety Exeter Sept^r^ 27^th^ 1781

SIR—

In consequence of a letter from General Heath of the 17^th^ instant, informing that a brigade of troops have lately arrived at S^t^ Johns from Quebec, and that it is probable they intend coming to the Settlements on Connecticut river—Our militia under the command of Col^o^ Raynolds who were lately ordered to be sent to Springfield, are now to rendezvous at Charlestown in this State. General Heath requests that we would give orders to the Issuing Commissary in this State to supply them with provisions but as we are at a loss to know, whether there is a Commissary there or not, we have requested of Col^o^ Hunt, that in case there is none he would Issue provisions to them or appoint some suitable person for that purpose. You are therefore desired to deliver to Col^o^ Hunt from time to time such quantities [p. 93.] of Beef & Bread as he may request for that purpose.

The beef you will receive from the several towns and must exchange such quantities of beef for bread as may be necessary and at such rates as you may think reasonable.

By order of the Committee.

JOSIAH BARTLETT Chairm^n

Francis Blood Esq.

P. S. As we have no money to furnish bread with, you must make the exchange on the best terms you can.

Copy. J. B.

State of New Hampshire } In Com^tee of Safety Exeter 27^th Sept^r 1781.

SIR—

On your arrival at Charlestown you will call on the continental issuing Commissary there for supplies of provisions &c agreeably to Gen^l Heath's order, a Copy of which we have sent to Col^o Hunt—if you are not supplied in that way, you will call on Col^o Samuel Hunt for provisions, ammunition barracks &c &c to whom we have wrote on the subject [P. 94.] and doubt not he will supply you to the utmost of his power. The object of your going to Charlestown is to defend the frontiers from any inroads which the enemy may attempt to make from Canada, you will on any alarms, march to the defence of the frontiers and use your endeavour to repel the enemy—You will receive orders from any Continental General Officer that may be with you or have command of that department, or in case no continental General is there from any General Officer belonging to this State—And such other orders as may be given you from time to time by the General Court or Com^tee of Safety. You will as soon as may be, make return to General Heath of your name, rank and the number of militia with you.

JOSIAH BARTLETT Chairm^n

Daniel Raynolds L^t Col^o Comd^t.

Copy.

State of New Hampshire } In Committee of Safety Exeter Sept^{r} 28th 1781.

Sir—

Inclosed you have a copy of Major General Heath's letter in consequence of which we have ordered Lieut Colonel [p. 95.] Raynolds with the regiment under his command to march to Charlestown as soon as may be. We have requested of Col^{o} Hunt to supply them with provisions as Issuing Commissary in case there is no Continental Issuing Commissary there & if there is not any continental store there, we have desired him to call on Esq Blood for beef & bread to whom we have wrote on the subject and directed him to receive such quantities of bread (in lieu of beef) from the towns as may be necessary for that purpose. As we have no money in the Treasury to purchase with must rely on the towns supplying with the necessary quantities. We shall request of Maj^{r} Gen^{l} Heath that the men may remain in this State or parts adjacent that they may be ready to assist in case the enemy should attempt to make any inroads from Canada. We have directed Col^{o} Raynolds, in case there is no continental General Officer in that department to command him to receive such orders as may be given him from time to time by any Gen^{l} Officer belonging to this State. You will therefore give him such orders & directions from time to time as you may judge necessary.

Josiah Bartlett Chairm^{n}.

Brigd^{r} Gen^{l} Bellows.

Copy.

[p. 96.] State of New Hampshire } In Com^{tee} of Safety Exeter Sept^{r} 28th 1781.

Sir—

Inclosed you have a copy of Maj. Gen^{l} Heath's letter in consequence of which, we sent an express to Springfield, and have ordered Col^{o} Raynolds with the men under his command to march immediately to Charlestown. We have wrote to Col^{o} Hunt to call on Francis Blood Esq. for supplies, and to see to the issuing the same to the troops.

In case of an attack by the enemy it is likely that Col^{o}

Raynolds will be sent to your assistance: he is to be under the Command of Gen[l] Bellows, in case there is no continental Officer sent to take command. Should they be sent to your assistance, it is expected you will do all in your power to supply Esq. Blood with beef & bread, who will call on the towns for the same. The price of the bread supplied will be deducted from the beef called for by this State, as there is not money in the Treasury to purchase it. It is probable that Col[o] Hunt will see that some person is employed to issue provisions, if they should march up the river. We have inclosed some copies of a Resolve of Congress relative to the Vermont affair, which you may distribute as you [P. 97.] please. We have sent a large number of the copies to the several towns in Cheshire and Grafton.

By order of the Committee

J. BARTLET Chairm[n].

Col Charles Johnston.

Copy.

State of New Hampshire } In Committee of Safety Exeter Sept[r] 29[th] 1781.

SIR—Your letter of the 17[th] instant directed to the President of this State was received the 25[th] instant. The President being absent, the Committee have taken the same under consideration. The accounts we have lately received from the western parts of this State serve to confirm us in the sentiments held forth in your letter, that the enemy will probably attempt to make inroads on the settlements at Connecticut river.

Some part of our militia had marched previous to the receipt of your letter & had orders to rendezvous at Springfield; But the great difficulties subsisting in the western part of this State, on account of the dispute of Vermont, in addition to the probability of the enemy's movements that way, induced the Committee to order that those men, who [P. 98.] had set out for Springfield should be immediately marched to Charlestown and that those who had not marched should be sent thither by the nearest rout. We are doubtful whether the continental stores there are suffi-

cient for the men and have given orders for the supplying them from the provisions which we were to raise by orders of Congress the present year.

We have given orders to the Commandant of the Regiment to report to you name rank and the number of militia with him, agreeably to your letter.

The greater part of the towns in two Counties of this State (East of Connecticut river) deny the jurisdiction of the State, and have joined the State of Vermont (so called) and notwithstanding the late Resolutions of Congress still persist in joining Vermont.

The difficulties are so many and great in those parts, that the Committee are of opinion that it is absolutely necessary the men should remain in that Quarter. If the men should be ordered to the Southward the march will be long, and the term of their enlistment being short will expire before they can do much Service—If you should be of opinion that they remain there and no Continental Officer should be in [P. 99] that quarter to give them orders, Brigadier General Bellows (of this State's Militia, who lives at Walpole) will be near and will give the necessary orders in case of alarm &c.

I am with due respect
Your most obedient Servant
JOSIAH BARTLETT, Chairm^{n}.

Maj. Gen^{l} William Heath. Copy.

State of New Hampshire } In Committee of Safety Exeter Oct^{o} 6th 1781.

SIR—

Your letter of the 4th Instant we received, are well pleased with your exertions in collecting beef. Have sent by the bearer three hundred pounds new Emission. Trust you will lay it out to the best advantage, you will receipt for the same to the bearer—Hope you will do you utmost to procure flour for the troops at the Westward.

By order of the Com^{tee}
JOSIAH BARTLETT Chairm^{n}

Francis Blood Esq. Copy.

[P. 100.] State of New Hampshire } In Com^tee of Safety Exeter Oct 6^th 1781

SIR—

Your letter of the 2^d Instant we have received & observed the Contents have given Orders to the Board of War to send a Waggon with 300^lb powder 600^lb of Lead or Balls and a 1000 flints to Charlestown as soon as possible and to deliver said Articles to you for the use of Col^o Runnels's Regiment which you will deliver them at such times and in such quantities as you may think proper—With respect to Barracks fuel Cooking utensils &c if you cannot supply them in your official Capacity must request that you would do the same in the best way you can on account of the state for which you will be paid—Doubt not you will do every thing in your power for supplying provisions &c.

I am

Your most Ob^t Serv^t

JOSIAH BARTLETT Chairm^n

Col^o Sam^l Hunt. Copy.

State of New Hampshire } In Committee of Safety Exeter, Oct^o 12^th 1781.

SIR—

The Regiment of militia raised by this State (on account for the United [States] at the request of his Excellency General Washington) and now at Charlestown under the command of L^t Col^o Raynolds were ordered to that place in consequence of a Letter from General Heath of the 17^th ult^o In [P. 101.] which Letter the General requests that we would order the Issuing Commissary to see that they are served with provisions while detained in the State—Agreeably to which request (as we are informed that you are Issuing Commissary in that department) You are directed to furnish them with the necessary supplies while detained in this State.

M. WEARE President.

William Page Esq^r Copy.

State of } In Committee of Safety,
New Hampshire } Exeter Oct° 12th 1781.

Sir—

As you have represented to this Com^tee that you cannot comply with their Orders of the 27th ult° for exchanging Beef for Flour—This is therefore to authorize you to dispose of as many of the Beef Cattle which you shall collect (to the best advantage) for hard money as shall enable you to purchase a sufficiency of flour to supply the regiment commanded by Lt Col° Raynolds with bread while they continue on duty in this State.

M. Weare Presd^t.

Francis Blood, Esq. Copy.

State of } In Committee of Safety
New Hampshire } Exeter Oct° 12th 1781.

Sir—

You are hereby desired to receive from any Individual (in those Towns where the Beef Tax is not made) such quantity of beef or wheat or flour equal thereto as they may chuse to deliver you giving them a receipt in the form following—

M. Weare, Presid^t.

State of
New Hampshire } Received of —— —— w^t of Beef or wheat or flour equal to so much Beef which shall be allowed as part of the proportion of the Town of ——— to the Beef Tax which was made by an Act of the General Court of the 27th of January last or the full value of said Beef paid to the said ——— by this State.

To Francis Blood Esq Copy.

State of } In Com^tee of
New Hampshire } Safety Exeter Oct° 13th 1781.

Sir,

Your Letters to General Whipple have been laid before

the Committee—By the Vote of the General Court for raising a Company of men for the defence of the northern [P. 103.] Frontiers (a copy of which you have inclosed) you will see that the men were to be under your direction and to serve three months unless sooner discharged.

By your letters we are informed that it is your opinion the men might be discharged before the time for which they were engaged expires. Therefore you are hereby impowered & desired to give Orders for discharging a part or the whole of said men at such time or times as you may think proper.

M. WEARE Presd^{t}

Col David Page & Joseph Whipple Esquire.

Copy.

[P. 104.] State of New Hampshire } In Committee of Safety Exeter Oct^{o} 25th 1781.

SIR—

You are hereby permitted to give Nathaniel Fisher Samuel Dennison and James Rouke said to be passengers on board, and Peter Dousett said to be late Master of the Shallop Betsey and brought into Portsmouth, the liberty of said Town until further Order taking their Paroles in customary form.

Capt Moses Woodward Comss^{y} Pris^{rs}.

[P. 105.] State of New Hampshire } In Committee of Safety Exeter Oct^{o} 26th 1781.

SIR—

By the inclosed Order you will see that you are to send forward to Boston the prisoners now under your [care] as soon as possible—With respect to money for the expence, there is not any Specie in the Treasury you must endeavour to defray the same with Bills of the new Emission—If you should send them on tomorrow and can furnish Bills of the new Emission for the purpose, the same will be repaid you on application to the Committee.

Capt Moses Woodward Comss^{y}.

Copy.

State of } In Committee of Safety
New Hampshire } Exeter Oct 26th 1781.

Sir—

You are hereby directed to send forward to Boston as soon as may be all the Prisoners you may have in your Custody under a proper Guard (for which you will call on Capt Dearing) and deliver them to the Commissary of Prisoners there, The Orders of the 25th Instant for paroling them notwithstanding.

Capt Moses Woodward Comsy Prisr
Copy.

[P. 106.] State of } In Committee of Safety
New Hampshire } Exeter Novr 2d 1781

Sir—

The Bearers Josiah Harris Esq & Mr Thomas Holbrook are in pursuit of Sundry Horses which have been Stolen and have Warrants from this Committee for apprehending Robert Young, John Young and Abraham Reed, persons suspected of being guilty of sundry practices inimical to the States. You are desired to give your assistance in apprehending the said persons (if need be).

I am,
With esteem
Your most obt Servt

M. Weare.

Honble Charles Johnston Esq. Copy.

State of } In Comtee of Safety
New Hampshire } Exeter Novr 2d 1781.

L. S. To the Sheriff of the County of Rockingham, his under sheriff or Deputy or either of the Constables of Salem or Josiah Harris Esq—Greeting.

Whereas information has been given to this Committee
(John Young)*
that Robert Young of Salem in the County aforesaid yeo-
(Abraham)*
man has been guilty of sundry practices inimical to the United States. Therefore. You are hereby required in the Name of the Government & People of said State forthwith
(John Young)
[P. 107.] to apprehend the body of the said Robert Young
(Abraham Reed)
if he may be found in your Precinct and bring him as soon as may be, before the Committee of this State to be examined touching the matters alledged against him, that he may be dealt with as to justice shall appertain, and all Persons are hereby requir'd to be aiding & assisting in apprehending the said Robert Young. Hereof fail not and make return of this warrant with your doings.

Copy. M. WEARE, Presid[t]

NOTE. Copies of several original papers in this record are here transferred to that portion of the volume which relates to troubles in border towns. (See *ante*, pp. 444–454.) The following important letter from Hon. Matthew Thornton, relative to those troubles, should be read in connection with the said papers.—ED.

Letter from Hon. Matthew Thornton to President Weare.

[Copied from Hist. Coll. by Farmer & Moore, Vol. II, pp. 178, 179.]

Merrimack, 29[th] Dec. A. D. 1781.

Honble & Dear Sir,

The Vermont affair grieves me more than our war with Great Britain. Heathens were shocked when brother killed brother in battle: how much more ought christians to shudder at the very thought of brother killing brother about a line of jurisdiction. For mercy's sake, Sir, if possible, prevent every hostile measure until the homble. Continental Congress explicitly fixes their bounds, and informs them what to depend upon, and New Hampshire how to conduct. Taking one man may begin a war, but when, or how it will end, the Great Ruler only knows. From the best information, a great majority on both sides of

* John Young and Abraham Reed are interlined, and written with *red* ink.—ED.

the river will acquiesce in the determination of Congress: If so, and we wait, all will be peace. If they will not, and we wait, it will be the thirteen United States against the Vermonters. If we do not wait, it may be called a premature act of New Hampshire. I know it is said, take a few of the leaders, and the rest will submit. The British ministry reasoned the same way about Americans. What will the rest be about while our men are taking and bringing away the few. Send an army before they are prepared many say. They are prepared to begin a war whenever we provoke them, and I presume it will be done very soon. Give them time and they will join with the Britains, Canadians and Indians, are thought powerful reasons for expedition. I think for procrastination, because they have had time sufficient time already, and if they intend to prosecute that scheme, it is not best to begin. If so, it ought to be the thirteen United States, and not one of the smallest, to engage them. The power of making war or peace is delegated to the honble. Continental Congress, and it would be impertinent to ask, if one has the power that every State has given up to Congress. Pray, Sir, excuse this trouble. It does not come to dictate, but to ease my mind, anxious for my country and the peace and happiness of mankind. I humbly submit the aforesaid thoughts and the enclosed* to your better judgment: And have the honor to be

Your most obedient and very humble servant

MATTHEW THORNTON.

The Honble Meshech Weare, Pres.
of the Council, State of N. H.

[P. 128.] Hampton Falls Dec^{r} 10th 1781.

SIR—

I am honored with the Receipt of your Excellency's favor of the 15th ult^{o} respecting the deficiency of Representation in Congress. I am fully sensible of how great importance it is—that all the states should be fully represented at this

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**Elegiac lines to the memory of Col. Alexander Scammel—probably written by Mr. Thornton.*

Ye weeping Muses, Graces, Virtues, tell
How all-accomplished Col'nel Scammel fell;
You, nor afflicted heroes ne'er deplor'd
A loss like that, these plaintive lines record.
Such spotless honor, such ingenuous truth;
Such ripen'd wisdom in the bloom of youth;
So mild, so gentle, so compos'd a mind,
To such heroic warmth and courage join'd
His early youth was nurs'd in learning's arms,
For nobler war, forsook her peaceful charms;
He was possess'd of every pleasing art,
The secret joy of every honest heart.
He was cut off in youthful glory's pride,
Yet unrepining for his country died.

critical Time; and it is not for want of attention to the importance of the matters nor from any Delay in seasonably appointing another Delegate that we are not now fully represented in Congress. Many months past a Delegate was appointed and he accepted to proceed to Congress to join Mr. Livermore in the Representation of this State, But such is our unhappy Situation with respect to a Currency, that it has not been in our Power to furnish him with a sufficiency of hard Money and none other will answer. Conti- [p. 129.] nental Bills had been the only medium circulating in this State. The People here had no opportunity to trade for any and indeed had no apprehension but that it would answer their purposes. But that being suddenly and unexpectedly rejected they were left destitute of any Medium and such is the scarcity of specie in these part that scarce any thing will produce it, that we have not been able to supply the Treasury with any specie to Answer any Demands, nor do I at present see any prospect that it can soon be done. It is the Disposition of the People of this State to exert themselves to the utmost as they have hitherto done in support of the common cause; But our present situation with regard to a Medium is truly alarming. Our General Assembly are to Convene next week. I shall then lay your Letter before them and have no doubt but they will pay full attention to it and forward a Delegate as speedily as possible.

I have the Honor to be &c.

M. Weare, P.

His Excellency President Hanson Copy.

[p. 136.] Exeter Jan. 18, 1782.

Sir.

You are hereby informed, that the Hon^ble^ Charles Johnston Esq. is appointed Judge of Probate &c for the County [p. 137.] of Grafton. This is therefore to desire you to deliver all the Records, Files & public Papers belonging to said office into the Custody of the Hon^ble^ Charles Johnston Esq.

M. Weare.

Israel Morey Esq. Copy.

State of New Hampshire } In Committee of Safety Exeter January 26th 1782.

Sir—

The General Court having been informed of the distressed Situation of the Troops of the New Hampr Line Stationed at Saratoga for want of Rum & other Articles necessary for them came to the following Resolution, Copy of which is inclosed. It is therefore requested by this Committee, if in your Power, that Noah Emery D. Q. M. may be ordered to convey to Albany such Quantities of said Rum as may be though necessary for the use of said Troops.

M. Weare Presidt

P. S. Please to send your answer as soon as may be.

Col Jabez Hatch D. Q. M. Genl. Copy.

State of New Hampshire } In Committee of Safety Exeter Jan. 26th, 1782.

Sir—

You will receive herewith a letter directed to Colo Hatch, the purport of which is, that a Quantity of Rum may be sent to the New Hampshire Line. You will please to en- [p. 138.] quire whether our Troops are supply'd with Rum by Contract or any other way. If you can be assured they are supply'd it will supercede the necessity of any being sent—and you need not deliver the Letter and in that case you will desire Colo Hatch to receive the whole of what may be in Mr Barretts hands belonging to this State & give a Receipt for the same as part of this State's quota of Rum raised for the use of the United States the year past. If our Troops are not supplied, You will use your utmost endeavours, that part or the whole of what is in Mr Barretts hands belonging to this State may be immediately sent on, and in such manner, that the Troops of our Line may receive the same, as they have been destitute of that Article as well as many other necessaries for a long time.

M. Weare, Presdt

Noah Emery, D. Q. M. Copy.

State of New Hampshire } In Committee of Safety Exeter Feb^{y} 2^{d} 1782.

Sir—

Whereas there is great reason to apprehend that the enemy have a design to destroy the ship now building at Ports-
[p. 139.] mouth for the use of the United States—You are hereby required to keep a strong Guard at the Great Island and constantly in readiness with a good Boat to go on Board & examine all vessels & small Craft of every kind that may enter the Harbour & you are to cause such examination to be made as shall be sufficiently satisfactory.

Josiah Bartlett Chm.

Capt. Titus Salter. Copy.

Hampton Falls, Feb. 4th 1782.

Dear Sir—

A Committee are now here from our Army in order to settle with the State for what may be due for Depreciation, and also for what may be due for back Rations or subsistence Money. They think there has been some Resolutions of Congress recommending to the States to settle respecting Rations or Subsistence Money as well as Wages & at what Rate they are to be settled. We cannot find any Resolutions of Congress relative to this matter among those that have been transmitted to us; for want of which the Committee cannot proceed in the Settlement. You are therefore desired to send me by the first Post after you re-
[p. 140.] ceive this letter, Copies of such Resolutions or Recommendations as Congress may have pass'd relative to settling for back Rations or Subsistence money that may be due to Officers or Men.

I have nothing particular respecting the affairs of Vermont since my last, by what I have heard, they are somewhat more calm.

We hear that Messrs. Allen & Fay are gone to Congress from Vermont. I cannot say what Plan they are now upon but I conjecture they would willingly Renounce all on the east side of Connecticut River if they could be admitted to be a separate State to the West. But whatever may be

their schemes I think there cannot be the least danger that they will ever be allowed to hold any thing East of the River.

I am impatient to hear how the Affair stands at Congress, hope you will inform me by ever opportunity.

I am &c.

M. WEARE

Hon. S. Livermore Esq. Copy.

[P. 141.] State of New Hampshire } In Committee of Safety Exeter Feb^{y} 16th 1782.

SIR—

This is to desire that you would make Inquiry what supply of Provisions particularly Wheat and Flour, can be obtained in your Quarter for the Troops, which have been ordered to be raised for the support of the Civil Authority in the Western parts of this, in case it should be found necessary to send them there—Have wrote to *——— Letters similar to this. You will please to inform the Committee respecting this Affair by lettter as soon as may be.

M. WEARE President

* The persons wrote to were Col^{o} Hunt, Capt Goldsmith, Mr Nath^{l} Bingham & Capt Burt. Copy.

State of New Hampshire } Exeter Feb^{y} 23^{d} 1782

Sir—

Agreeably to a Vote of the Gen^{l} Court of this State, I am to give Information respecting a sum of Continental Currency now remaining in our Treasury over & above the proportion assigned to this State by a resolution of Congress of the 18th of March [P. 142.] 1780; Also on the Subject of the proportion to 8,000,000 Dollars assigned to this State by a resolution of Novemb^{r} 2^{d} 1782.

In pursuance of a resolution of Congress of the 18th

March 1780 this State made provision (by their Act of the 29th of April 1780) for calling in the proportion of Continental Currency assigned them by said Resolution by which, a part of said Sum was collected, but it was generally supposed that at the time which said Tax was granted there was not half the Sum which was called for then in possession of the Inhabitants of this State—By an Act of our General Court passed Jany 27th 1781 for raising the sum of £120,000 in Bills of the new Emission for the support of the war & defraying the necessary Charges of this State Liberty was given to all persons to pay the whole of said Tax in new Bills or in Continental Currency at the rate of forty for one (which was then the Common Exchange & agreeable to the Resolutions of Congress) the Court being unanimously of opinion that the whole quantity of Continental Currency then in this State would not [p. 143.] amount to near the proportion assigned them by the Resolution of Congress and not doubting the compliance of the other States with the aforesaid Resolution, were not apprehensive of its being in the power of this State to Collect more than their proportion.

The Tax of £120,000 was payable at different Periods, the last of which, was affixed at the last of Novr 1781— While said Tax was collecting Continental Currency depreciated rapidly in the States to the Southward and before the people here had knowledge of the same, large Quantities were pushed in from thence, and the General Court finding that the Tax which was principally designed to pay something to the support of the War and other Exigencies of the State would not answer the intended purpose did by a resolution prohibit the receiving any Continental Currency into our Treasury for said Tax after the 23d day of July 1781.

As some States had not complied with the resolutions of Congress for calling in the Continental Currency and [p. 144.] as the value thereof, when compared with new Emission was much altered after the passing our Act in consequence of the rapid Depreciation of the former the money was pushed into the Treasury in large Sums, and the State found that by the said 23d day of July last, they had in their Treasury upwards of five Million Dollars Continental Currency over and above the proportion assigned

them as aforesaid, and considerable sums still remain in the hands of Individuals by which means the principal Intention of the State in granting said tax of £120,000 was in a great measure defeated, many Debts which were determined to be discharged by said Tax, are now unpaid which occasions many complaints and those debts must be discharged out of the Taxes for the present year and the State will be unable to pay any considerable Sum to the United States, unless some of those States, who have not called in their proportion should be directed to purchase the same from us or otherwise the Continental Currency be received [P. 145.] in part payment of our Taxes for the current year.—

With respect to the proportion to 8,000,000 Dollars assigned this State by a Resolution of Congress of Novr 2d 1781, I must say that the same far exceeds any Ideas that we have ever had of our just proportion, that the Genl Court are unanimously of Opinion, that the same is too high by a very considerable sum, that by our numbers which were taken in the year 1775 by the selectmen of the several Towns & Parishes & Return made under Oath (Copy of which I sent you some time past) this proportion will appear much too large. I am sensible the resolutions of Congress purport that these proportions are not to be final; But that the same may be adjusted hereafter. This State is very unable at present to pay their just proportion. We have very little Trade, our Farms are many of them new, and produce very little and with respect to hard money we never had but a small Quantity within the State and having estimated paper money at a higher rate than some [P. 146.] of our sister States, the little hard money we had is drained from us. Add to this the great difficulties and embarrassments we are under on account of the disputes subsisting in the Western parts of this State & our Inability to pay (even the just proportion of the State) will be easily perceived.

The Subjects of this State (in General) seem willing to exert their utmost abilities in support of the common cause, but any addition to their proportion of Taxes will serve to discourage them unless they can be at the same time assured of the justice thereof; and Jealousies may arise, that their proportion of future taxes will be in some degree

estimated by their past exertions. You will lay this before Congress and endeavour to have the late proportions of Taxes altered and that the Old Currency may be received from us in discharge of a part of our just proportion.

I am &c.

M. WEARE.

The Hon Sam[l] Livermore Esq. Copy.

[P. 147.] State of New Hampshire } In Committee of Safety Exeter March 1st 1782

SIR—

This Committee having received Information that there is in Londonderry a certain Stranger who calls his name Moffatt, who by his Conduct is suspected of being an Emissary from the enemy: You are desired to make enquiry into his conduct and if you find there is sufficient Ground of Suspicion, You are desired to inform the Com[tee] of the ground of your suspicion that they may give you a formal Warrant for apprehending him, or if you have not time to apply for a Warrant you are hereby Authorised to apprehend him and bring before this Com[tee] for examination.

M. WEARE.

Mr Robert Smith
Londonderry. Copy

State of New Hampshire } In Committee of Safety Concord March 20th 1782

SIR—

You are hereby authorized & requested to Rent out for one year from the first day of this instant March, the Lands of Absentees &c which you were authorized to rent out the last year. You will make the best Terms you can for the use of this State and make Returns of your Doings to the General Court or Committee of Safety as soon as may be.

M. WEARE Presid[t]

Col Sam[l] Chase Esq.
Litchfield.

State of New Hampshire } In Committee of Safety Concord March 26th 1782

Gentlemn—

You are hereby authorized & requested to rent out for one year from the expiration of the last Rent the lands which you were authorized to rent out the last year—You [p. 148.] will make the best terms you can for the use of this State and make return of Your Doings to the Genl Court or Committee of Safety as soon as may be.

M. Weare Presidt

Hon Charles Johnston Esq
& James Woodward— Copy.

State of New Hampshire } In Comtee of Safety Exeter April 6th 1782.

Sir—

You are hereby desired to call on the Selectmen of the Town of Charlestown and any Towns adjacent thereto for Bread and Beef sufficient to supply the Recruits which may be mustered at Charlestown agreeably to an Act of the General Court passed March 21st 1782. You will please to deliver the same in such Quantities as may be called for [p. 149.] by Capt Ellis who is appointed Muster Master at Charlestown. You may assure the several Towns who may supply you with Beef and Bread that the same will be allowed out of the Taxes for the current year and on their producing your Receipts to the Genl Court or Committee of Safety, they will receive an Order on the Treasurer for that purpose—

Hope you will Undertake this business as we have no other mode of supplying the Recruits.

M. Weare Presidt.

Colo Samuel Hunt. Copy

State of New Hampshire } In Com^tee of Safety Exeter April 6th 1782.

To the Selectmen of Amherst—

Gentl^n—

You are hereby desired to furnish Capt Isaac Frye who is appointed Muster Master for the Recruits to be mustered at Amherst with Bread & Beef sufficient to supply said Recruits from time to time as he shall call for and you will be allowed for the same out of your taxes for the current year on your producing from Capt Frye to the Gen^l Court or Committee of Safety you will have an order on the Treasurer for that purpose.

M. Weare Presid
Copy

[p. 150.] State of New Hampshire } In Committee of Safety Exeter April 4th 1782.

L. S.

To the sheriff of the County of Rockingham, His under Sheriff or Deputy or either of the Constables of East Kingston—

Greeting—

Whereas information hath been given to this Committee that Col^o Jonathan Greely of East Kingston in the County aforesaid has been guilty of sundry Practices inimical to this & the United States—Therefore—

You are hereby required in the Name of the Government an People of said State to apprehend the body of the said Jonathan Greely if he may be found within your Precinct and Have him on Wednesday next at ten o'clock before this Committee to be examin'd touching the matters alledged against him that he may be dealt with as to justice shall appertain.

And all Officers Civil and Military and other Subjects of this State are hereby required to be aiding and assisting you in the Premises.

Hereof fail not and make return of this warrant and your

doings thereon—Given under my Hand & Seal on the day and date above mentioned—

JOSIAH BARTLETT, Chair.

Copy

[P. 151.] State of New Hampshire } In Committee of Safety Exeter April 5th 1782.

To ——— ———

You are hereby appointed Muster Master to muster at* all such able bodied Effective men as may be presented you by the several delinquent Towns and Places in said State, agreeably to an Act of the Genl Court of the 21st of March 1782, and to make return as therein directed.

Copy. M. WEARE, Presidt.

* To Capt Jeremh Fogg at Exeter
Capt Isaac Frye at Amherst
Capt Benjamin Ellis Charlestown

State of New Hampshire } In Committee of Safety Exeter April 12th, 1782.

The Committee having taken into consideration a Complaint exhibited against Colo Jonathan Greely for sundry Practices inimical to this, and the other United States, and he having been before the Committee, examination being made, and sundry evidences produced: after a full hearing and consideration of the same, It appears to the Committee, that said Greely has been guilty of sundry Practices, inimical to this & the other United States. Thereupon Ordered, That he give Bond to the Treasurer of [P. 152.] this State and for the use thereof, with two sufficient Sureties jointly and severally in the sum of one thousand Pounds lawful money, conditioned, that he shall be of good Behaviour, and shall not Say, Act, or Do anything contrary to the Interest or Independence of this or any other of the United States, and shall retire to his farm in East Kingston and confine himself to the Limits of said farm and not depart off the same without special order or Licence of the General Court or Committee of Safety of said State for that purpose and shall, when called for appear

before the General Court or Committee of Safety or Superior Court of Judicature of this State to answer to such matters and things as may be laid to his Charge, and that he stand Committed untill said Bond is given.

Copy. M. WEARE, President.

Know all men by these Presents, that We Jonathan Greely of Kingston Nathaniel Folsom and Samuel Folsom both of Exeter, all in the County of Rockingham and [P. 153.] State of New Hampshire Esqrs, are holden & stand bound unto Nicholas Gilman Esq Treasurer of said State in the sum of one thousand Pounds lawful Money to be paid to the said Nicholas Gilman his successor or successors in the said office to the which payment, well and truly to be made, We bind ourselves our Heirs Executors & Administrators jointly & severally, firmly by these presents sealed with our Seals dated the twelfth Day of April in the year of Our Lord one thousand seven hundred & eighty two. The condition of this obligation is such that if the said Jonathan Greely shall be of the good Behaviour, and shall not Say, Act or Do anything Contrary to the Interest or Independence of this or any other of the United States and shall retire to his farm in East Kingston & confine himself to the limits of faid farm and not depart of the same more than is necessary to visit the several Parts thereof as it is several Pieces, nor go into any of the dwelling Houses, as he goes back and forward to and from the several parts of said farm than his brother Andrew Greeleys and his the said Jonathan, Son Jonathan's Houses [P. 154.] and not depart from said farm without special Order or Licence from the General Court or Committee of Safety and shall, when called for, appear before the General Court or Committee of Safety or Superior Court of Judicature of this State to answer to such matters and things as may be laid to his Charge, then this Obligation is to be void, otherwise to remain in full force for the use of said State.

Signed, Sealed & Delivered
in presence of us— JONATHAN GREELEY [L S]
James Carr NATH[L] FOLSOM [L S]
Jere: Fogg Jun[r] SAM[L] FOLSOM [L S]

Copy.

State of New Hampshire } In Committee of Safety Exeter April 20th 1782.

Sir—

You will issue provisions to the Recruits now raising in this State in such Quantities & at such times as may be requested by Capt Fogg who is muster Master at this place he certifying that such person or persons are Recruits.

You will not issue provisions on account of this State to any other persons without special Order therefor from the General Court or this Committee.

Josiah Bartlett Chairmn

Mr Isaac Williams

Copy.

[p. 155.] State of New Hampshire } In Comtee of Safety Exeter April 27th 1782.

Sir—

As there are many difficulties and much uneasiness by Individuals not receiving their Wages on your Pay Roll— This is therefore to request you to come to Exeter on Thursday or Friday next and settle said Roll, bringing with you the Order for the payment of said Roll. Also an account of all monies which you may have received towards the payment of said Roll with a list of the names of the men you have paid and how much.

If your Business will not permit your personal attendance, you are requested to sent to this Committee the aforesaid papers as soon as may be

Josiah Bartlett Chairn

Capt Ephm Stone.

Copy.

State of New Hampshire } In Comtee of Safety Exeter April 27th 1782.

Sir—

You are hereby desired to call on Capt E. Giddinge, Col Gen B. Cattle for such quantities of Beef as you may be [p. 156.] requested by Capt Jeremiah Fogg to deliver to the

Recruits now raising in this state agreeably to your Instructions of the 20th April 1782.

JOSIAH BARTLETT Chair

Mr Isaac William Issg Comsy Copy

State of) In Committee of Safety
New Hampshire) Exeter April 27th 1782.

SIR—

The Committee wrote Col Hunt on the six Instant relative to supplying the Recruits now raising, Copy of which letter you have inclosed. We have not received any answer from Colo Hunt, but hear he declines supplying them. This is to request that (in case he absolutely declines) you would endeavour to see them supplied agreeable to the directions given Colo Hunt and in which perhaps he will assist you as we have no other possible way of supplying them.

JOSIAH BARTLETT Chairmn

Genl Benjamin Bellows. Copy.

[P. 157.] State of) In Comtee of Safety
New Hampshire) Exeter April 27th 1782.

SIR—

You have herewith an Order on the Board of War for a Bbl of Rum: On your receiving the same you are desired to Exchange the same for Bread (on the best Terms you can make) to supply the Recruits now raising and agreeable to instructions given you the 20th Instant.

JOSIAH BARTLETT Chairm

Mr. Isaac Williams.

State of) In Committee of Safety
New Hampshire) Exeter May 4th 1782.

To Nicholas Gilman Esq. Treasr.

You are hereby desired to call on the several Persons

who are indebted to this State for Excise on Spirituous Liquors previous to the present year, and request them to make speedy payment of the sums due from them respectively with Interest for the same, and inform them that unless said sums are paid within forty days Extents will issue for the same or otherwise their Bonds put in suit.

Copy. M. WEARE, Presid[t]

[P. 158.] Exeter, June 8[th] 1782.

SIR—

I have just received a Letter from his Excellency Gen[l] Washington inclosing an extract of a Letter from Col[o] Tupper at Albany (Copy of which is inclosed) by which you will see that there is a probability of an attempt to destroy the Ship now building at Portsm[o]. Therefore it will be necessary to keep a Good Watch & use every precaution to preserve it from their attempts; and detect any suspicious person or persons whomsoever.

I am
With respect
Your Hum[ble] Serv[t]

M. WEARE.

The Hon[ble]
John Langdon Esq. Copy.

Concord June 14[th] 1782.

SIR—

By the inclosed Copy of a Resolve of the Gen[l] Assembly you will perceive that the Towns who are still deficient in procuring their Quota of men for the Continental Army have liberty of procuring them until the fifteenth day of [P. 159.] July next and it is hoped that a number of men will by that means be procured which makes it necessary that there should be persons appointed to muster such men as may be offered & to receive and forward them to Camp— You are therefore desired by the Gen[l] Court to Continue the persons already appointed as Muster Masters for that purpose until the s[d] 15[th] day of July next; Or if that cannot

conveniently be done, that you would appoint other proper Persons for that purpose at the several places heretofore appointed for Mustering.

M. W. Presd[t]

Col Henry Dearborn. Copy.

State of New Hampshire } In Committee of Safety June 24[th] 1782.

Sir—

You are hereby desired to Continue to muster all such able bodied effective men as may be offered to you by the several delinquent Towns & Places in said State agreeably to the inclosed Resolve—And in case you are ordered otherwise, You are desired to convey this with the inclosed Resolve to the Hon[ble] Samuel Hunt Esq. who is hereby desired to muster all such men as may be presented to him on or before the fifteenth day of July next & to give certificates for the same.

M. Weare, Pres.

Capt Benj. Ellis or
Col[o] Sam[l] Hunt Charlestown Copy

[p. 160.] State of New Hampshire } In Com[tee] of Safety Exeter July 6[th] 1782

Sir—

The Committee are informed by Mr Whipple of Dartmouth that he can supply with Provisions six or eight men and requests that such a number may be sent there as a scouting party for their Defence. You are therefore desired to send a noncommissioned Officer with several men from those raising for the Defence of the Western Frontiers to Dartmouth to be under the care of Joseph Whipple Esq. You are also desired to send to this Committee an account of the situation you are in with regard to Ammunition and

whether in want of any for the men now raising for your defence.

I am with Respect Yr Obt
Humble Servt

M. W.

Col Charles Johnston Copy

State of } In Committee of Safety
New Hampshire } Exeter July 12th 1782.

To Colo ———

Pursuant to a Vote of Council & Assembly of the 14th of June 1782 that the Company raised for the Defence of Piscataqua Harbour be increased to Sixty men and as it is necessary sd men should be engaged to serve until the last day of December next—

[p. 161.] You are hereby Ordered & Directed immediately to raise by enlistment draught or otherwise——able bodied, effective men from your Regiment properly equipt with arms and send them to Portsmouth to be under the Command of Capt Titus Salter to serve until the last day of December next unless sooner discharged, said Soldiers to have the same Wages & Rations as Soldiers in the Continental Army. You are to make return of the men raised & sent from your Regiment to the Committee of Safety as soon as may be.

Copy M. Weare, Presdt.

State of } In Committee of Safety
New Hampshire } Exeter July 19th 1782.

Sir—

To the Sheriff of ———

You are hereby directed to continue until further Order to receive of the several Towns now delinquent in procuring their Quota of Soldiers for the Continental Army such Certificates as they shall procure from the Muster Masters of the Recruits raising to fill up the Battalions of this State

allowing to each town sixty pounds for each Certificate of a Recruit by them procured & mustered and credit the Town for the same on the Extent against s[d] Towns.

M. Weare Presd.

To the several Sheriffs for the sev[l] Counties in s[d] State.

Copy.

[p. 162.] State of New Hampshire } In Committee of Safety Exeter July 20[th] 1782.

Sir—

You are hereby authorized & desired to continue, until further order to muster all such able bodied effective men to fill up the Continental Army as may be offered to you by the several delinquent Towns & Places in said State & to give Certificates for the same

M. Weare Presd[t]

Capt Frye &
Capt Ellis &
Capt Fogg.

Copy.

State of New Hampshire } In Committee of Safety Exeter July 20[th] 1782.

Sir—

We are informed that you have continued to receive Beef Cattle since the expiration of the time fixed by the Gen[l] Assembly which was the fifteenth day of this Instant. This is therefore to inform you that no more of said Beef can be received towards the payment of the June Tax than was received before the said fifteenth day of this Instant July.

M. W. Presd.

Capt John Jennison
Coll[r] of Beef
County of Cheshire.

Copy

[p. 163.] State of New Hampshire } In Committee of Safety Exeter July 20th 1782.

Sir—

You are hereby directed to proceed as soon as may be to the Contractors for supplying the Army to make a market for about one hundred thousand weight of Beef in the best manner you can for the benefit of this State to be delivered as soon as may be.

M. W.

To Mr Jedediah Jewett.

State of New Hampshire } In Committee of Safety Exeter July 30th 1782.

Sir—

As we are informed by the Selectmen of Gilmantown than an execution is served on them for their Deficiency of men and that their Cattle & Horses are taken into Custody & advertize for sale—That they have some prospect of procuring said Men and as the men are principally wanted, It is tho't advisable that a further time should be allowed them to procure the same. It is therefore recommended by this Committee that the said Cattle and Horses be returned to the Selectmen taking their Security that said Cattle & Horses shall be returned to the officer again within thirty day from the date hereof unless the men or money shall be procured within the same space of time.

M. Weare Pres.

Ebenezer Sullivan
Dept Sheriff County Strafford. Copy.

[p. 164.] Exeter Augst 3d, 1782.

Gentlemen—

Your favor of the 30th Ult° by Mr Balch has been laid before the Committee of Safety. They are much alarmed & greatly concern'd at the situation of your affairs & the Temper and Disposition, which by the most wicked arts is fomented & kept up among the People in your quarter and

UNIVERSITY OF CALIFORNIA

are fully convinc'd of the necessity of some proper measures being speedily taken to enforce the Laws of the State & to convince the People how grossly they are imposed upon by crafty & designing Enemies who compass Sea & Land to make Proselites & to bring all into confusion. But to direct the particular measures that are to be taken to remedy these Evils the Committee think it is not so proper for them to prescribe, especially as the General Court is so nigh at hand. As to the Question Whether Beef shall be received at three pence per pound for the payment of the first Tax, The Committee are also of Opinion, that it does not lay with them to determine nor can it make any great difference, to have it de- [p. 165.] termined before the Court meets as the Cattle will be gaining and the Court will doubtless do what shall appear to be most satisfactory & for the public Good—The Committee have no Authority to give any liberty for exchanging Cattle.

I am sorry my letter of the 20th of July to Mr Jennison has been so misunderstood as if it was designed to impeach him of Maleconduct in his office, the Committee had no such design. They were informed that sometime after the time limited by the Act for receiving Cattle for the June Tax was expired, he was still going on to receive Cattle for that Tax, which made the Committee apprehend that by some Accident he might not have received the Act or might be under some misapprehension about it, and therefore thought it necessary to inform him, that it could not be received to prevent his proceeding any further which might occasion Disputes.

I have received a Letter from Mr Jennison wherein, he [p. 166.] gives particular Information of what he had done in the matter by which it does not appear that he was receiving Cattle in the manner the Committee apprehended or in a manner any way amiss.

I am Gentln Your Hum Servt

M. Weare—Presid.

To the Honble Benjamin Bellows
and Thomas Sparhawk Esq. Copy

Exeter August 3d 1782.

Sir—

I have received your favor of the 30th Ult° by Mr Balch, am obliged to you for the particular Information of your proceedings with respect to receiving beef Cattle for the June Tax.

The Committee were informed that you were going on to receive Cattle for the June Tax for sometime after the expiration of the time limited by the Act which made them apprehend that by some accident you might not have received the Act, or were under some misapprehension about [p. 167.] it and therefore thought it necessary to give you the Information in my Letter. I am sorry it was so misunderstood as if it was designed as a Charge of Maleconduct in you; The Committee had no such design but as a caution to prevent any disputes that might arise if you should continue receiving Cattle for that Tax.

I hope you will continue exerting yourself for the Good of the State as you have hitherto done and your Conduct appears satisfactory.

I am Sir—
Your Humble Servt

M. Weare, Presid.

Capt John Jennison

Copy

Exeter August 3d 1782.

Sir—

I received your Letter of the 31st Ult° and laid the same before the Committee of Safety.

The Committee of Safety are of opinion that as the mat- [p. 168.] ter is now before the Superior Court* and you are under a Recognizance to appear, they are not authorized to interfere in the matter; But that your appearance will be necessary; If you shall then desire to have the matter continued, to have an opportunity to apply to the General Court for an alteration of the Place of Trial or some other

* See *ante*, p. 460.

mode of settling the affair it is probable it will not be denied.

I am sir your Humble Sert

M. Weare, Presid.

Doct William Page Copy.

State of } In Committee of Safety
New Hampshire } Exeter, Aug 17th 1782.

Sir—

You are hereby desired to deliver to Mr Jedediah Jewett or his Order all or so many of the beef Cattle as have been collected by you or your Deputies and at such time & place within your District as he shall request taking his receipt for the same.

M. Weare, Presid.

The Above was directed to
Francis Blood Esq
Colo J Badger &
Mr J Jennison } Collr Beef Cattle Copy

[p. 169.] State of } In Committee of Safety
New Hampshire } Exeter Aug 17th 1782.

Sir—

You are hereby requested to send an account of the whole of the Beef that you collected for the State the last year: Also how the same was disposed off—together with the whole of the expences for driving &c in order that a general account of the whole may be made out by the State.

M. Weare, Presd.

To Francis Blood Esq. Copy.

State of } In Committee of Safety
New Hampshire } Exeter Augst 23d 1782.

Sir—

Application being made to this Committee by Mr Wood-

bridge Dean in behalf of the Selectmen of Gilmantown relative to an extent served on them for their deficiency of men- That as they have procured some, and have a further prospect of procuring more men and earnestly requesting a further time to be allowed them—It is therefore recommended by this Committee that there be a Suspension of said Extent until the further Order of this Committee or of the Gen[l] Court taking Security of the Selectmen for the Return of the Goods when demanded.

M. WEARE, Pres[dt]

Ebenezer Sullivan Dep. Sheriff
County Strafford. Copy

[p. 170.] State of New Hampshire } In Committee of Safety Exeter Aug. 23[d] 1782.

SIR—

You are hereby appointed & desired to call on the several collectors of beef Cattle within said State for such a quantity of Beef as will enable you to fulfill the contract made with Oliver Phelps Esq and to forward said Cattle to Head Quarters agreeably to said Contract

M. WEARE, Presid[t]

To M[r] Jedediah Jewett. Copy.

State of New Hampshire } In Committee of Safety Exeter Aug[t] 29, 1782.

SIR—

The Committee having engaged to deliver to the Contractors for the Army one hundred thousand weight of Beef Cattle and from former Information expected to have had the whole from the County of Cheshire but being now informed by a Letter from M[r] Jennison Collector in the County of Cheshire that he has not on hand fit for the Army more than sixty thousand weight, You are therefore desired to collect as soon as possible to the amount of forty or forty five thousand weight with what you have now on hand allowing it as part of the September Tax & giving Receipts

therefor accordingly and deliver the Cattle to Mr Jewett who will call on you soon.

M. Weare Presidt.

Francis Blood Esq.

[p. 171.] State of New Hampshire } In Comtee of Safety Concord Sept 13th 1782.

Gentlen

You are hereby desired to settle with Mr. Dana for the Beef delivered by him to Capt Isaac Frye who was Muster Master at Amherst and bring in the Charge in your account against the State together with the Receipts by him taken of Capt Frye that the whole may be settled with the State.

M. Weare, Presd.

To the Selectmen of Amherst.

State of New Hampshire } In Committee of Safety Exeter Sept. 19th 1782.

Sir—

Whereas application has been made to this committee by Colo Chase in behalf of the Town of Cornish relative to an Extent issued against them for their deficiencies of Men— and

Whereas a Petition has been presented to the General Court relative to sundry difficulties in said Town, the Hearing of which being postponed, It is therefore recommended by this Comtee that there be a Suspension of said extent until after the next Session of the General Court in November next.

M. Weare Presid.

Enoch Hale Esq.
Sheriff of the County of Cheshire

Copy.

[p. 172.] State of New Hampshire } In Com^tee of Safety Sept. 20th 1782.

Sir—

It is the desire of this Com^tee that you would meet them at Exeter on Wednesday next at 3 o'clock in the afternoon that you together with your brethren administrators to the Estate of Richard Jenness Esq Deceased may then release & acquit to this State your Right & Title to the Excise on Spirituous Liquors in the Counties of Hillsboro Cheshire & Grafton agreeable to a Vote of the Gen^l Assembly for that purpose that the Com^tee may proceed to the sale of the Excise in said Counties without loss of time.

M. Weare, Presd.

To M^r Richard Jenness. Copy

State of New Hampshire } In Com^tee of Safety Exeter Sept 20th 1782.

Sir—

There being great want of money in the Treasury to forward a member to Congress & for other uses—This Com^tee request that you would make immediate payment of the money due from you to this State, for the Excise on Spirituous Liquors by you purchased.

M. Weare, Presid^t

Benj^a Butler, Esq. Copy

State of New Hampshire } In Committee of Safety Exeter Sept. 20th 1782

Sir—

The State being in great want of money must request that you make payment of the sum due for the Rum by you purchased.

The Committee will be together on Thursday next would wish then to see you & settle the account.

M. Weare, Presd^t.

M^r John White. Copy

[P. 173.] State of New Hampshire } In Committee of Safety Exeter Sept^r 26^th 1782.

SIR—

Whereas Admiral Le M^s de Vaudreuil has received advice by express from His Excellency General Washington, that a disposition for Embarking the Troops in New York has taken place and that it is publicly said in that City that their design is to attack the Ships of War now in the Harbours of Boston and Portsmouth—

You are therefore required forthwith to call on Col^o Joshua Wentworth Col^o Stephen Evans, Col^o Jonathan Moulton Col^o Nicholas Gilman and Col^o Jacob Gale that they and each of them hold their Regiments in readiness to march at a minutes warning properly accoutred with arms, amunition & four days Provision for the defence of Piscataqua Harbour and the Protection of the Ships of War of His Most Christian Majesty our Noble & Generous Ally now in said Harbour.

M. WEARE, Presd.

Maj. Gen^l Nath^l Folsom Esq. Copy

State of New Hampshire } In Committee of Safety Exeter Sept. 26^th 1782.

SIR—

The Committee are informed that you meet with difficulty in satisfying those people who have pastured Cattle for the State that you have been obliged to give your security therefor. If you should proceed in the same manner you may depend on Certificates from the State for that purpose [P. 174.] which will be received by the Treas^r in payment of the present year's Tax whenever you bring in an account of what is due to each Individual for pasturing that you may thereby redeem the securities by you given.

M. WEARE Presd^t.

Capt John Jennison. Copy.

State of } In Committee of Safety
New Hampshire } Exeter 27th Sept. 1782.

To the Trustees of Dartmouth College

Gentlem[n]

This Committee having read & considered your memorial of the 20th Sept 1782 presented by the Rev[d] D[r] Whitaker are of Opinion, That the Matters Complained off are such as are proper to come before the Courts of Common Law, which are now opened in the County of Grafton and that this Committee have no power to interfere in such matters.

Copy M. Weare, Presd[t].

State of } In Committee of Safety
New Hampshire } Oct[o] 4th 1782.

Sir—

The great want of money at this time occasions the sending to you for the balance due for the Rum you purchased. Should be very glad you would come & see the Committee tomorrow morning by 10 o'clock and bring the whole if possible, if not as great a part of it as you can, both money and bills are immediately wanted.

The Committee have wrote you before but fear the Letter has miscarried. Hope you will not fail.

M. Weare, Pres.

M[r] John White Jun[r] of Haverhill. Copy

[p. 175.] State of } In Committee of Safety
New Hampshire } Exeter Oct[o] 5th 1782.

To all whom it may concern,

Know ye that Capt John M[c]Gray from Yarmouth in Nova Scotia—Commander of the Shallop Betsey is hereby permitted to remain unmolested in Piscataqua Harbour until he make Sale of the Fish &c that he has brought with him and take the proceeds on Board and that he then have liberty to return therewith to Yarmouth—And all Masters of

American Vessels are requested to let them pass unmolested.

M. WEARE, Presd[t].

Copy.

State of } In Committee of Safety
New Hampshire } Exeter Octo[r] 25[th] 1782.

SIR—

The time for raising and mustering Soldiers for the State being expired, your continuance in this State as Muster Master is no longer necessary.

JOSIAH BARTLETT Chairman.

Capt Ebenezer Fry. Copy.

State of } In Committee of Safety
New Hampshire } Exeter Oct[o] 19[th] 1782.

SIR—The Bearer Edward Wade a Corporal in your Regiment having been furlow'd to restore his Health & his furlow being expired, has taken the Command of Sundry Soldiers to conduct them to Camp though his health is not [P. 176.] fully restored, therefore recommend that he be furlow'd for a further time if you think proper.

John Edwards & Noah Allard Deserters, marches with Corporal Wade and promises to return to their duty without delay, if they should arrive with him, we recommend them to your mercy.

M. WEARE, Presd[t].

Col[o] George Reid.

State of } In Committee of Safety
New Hampshire } Exeter Oct[o] 19[th] 1782.

SIR—

You are hereby desired to deliver to M[r] Jedediah Jewett or his Order all or so many of the beef Cattle as have been collected by you or your Deputies, and at such time & place

within your District as he shall request taking his Receipt for the same.

M. WEARE, Presid.

To Francis Blood Esq.
& to Capt John Jennison Copy.

State of New Hampshire } In Committee of Safety Exeter Nov^{r} 22^{d} 1782.

SIR—

You are hereby appointed Muster Master to Muster at Exeter all the able bodied effective men as may be presented to you by the several Towns and Places in said State agreeably to an Act of the General Court of the 21st of March 1782 & to make Returns as therein directed.

M. WEARE Presid^{t}.

Major Caleb Robinson
Muster Master Copy

[P. 177.] State of New Hampshire } In Com^{tee} of Safety Exeter Nov^{r} 22 1782

SIR—

You will issue Provisions to the Recruits now raising in this State in such quantities and at such times as may be requested by Major Caleb Robinson who is appointed Muster Master at this place, he certifying that such person or persons are Recruits—you will not issue provisions on account of this State to any other persons without special Order therefor, from the General Court or this Com^{tee}

JOSIAH BARTLETT Chair

M^{r} Isaac Williams Copy.
Issu^{g} Comis^{y}.

State of New Hampshire } In Committee of Safety Exeter Dec^{r} 6th 1782.

SIR—

You will issue Provisions from time to time as Maj^{r} Ca-

leb Robinson may request for soldiers who are or may be confined in Gaol who are taken up for deserters, also for such as have been prisoners with the enemy and are exchanged during their stay here in this Town.

M. WEARE President

Mr Isaac Williams
Issuing Commissary Copy

State of } In Committee of Safety
New Hampshire } Decemr 5th 1782

You are hereby directed to take into your Custody Jesse Christy and him safely keep untill the further Order of the Genl Court or Comtee of Safety or untill he shall be discharged by due course of Law, he being charged with going over & joining the enemy & returning to this State without leave.

Copy. M. WEARE Pres.

Simeon Ladd, Gao.
Keene

[P. 178.] State of } In Comtee of Safety Decemr
New Hampshire } 7th 1782.

SIR—

You are desired to collect what beef Cattle you or your Deputies have on hand belonging to this State & send them to Exeter as speedily as possible.

M. WEARE Pres.

Francis Blood Esq
Capt Jennison
Colo Joseph Badger Copy

State of } In Comtee of Safety Exeter Decr
New Hampshire } 7th 1782.

GENTLEMEN—

As you have had the Settlement of the Sub-Clothier & State Commissary Accounts in time past, it is the desire of this Committee that you would take under your consideration the account of Mr Jedediah Jewett & see whether the

same is charged in the manner in which you have settled with the others & agreeable to the Votes of the General Assembly for that purpose & report your opinion to this Com^tee

M. WEARE Pres.

To the Board of War Copy

State of New Hampshire } In Com^tee of Safety Exeter Dec^r 13, 1782

To Simeon Ladd Prison Keeper at Exeter—

You are hereby permitted to grant the liberty of the prison yard to Jesse Christey Jun^r he giving bond with sufficient Sureties in the sum of five hundred pounds payable to the Sheriff of the County that he will remain a true prisoner until discharged by lawful authority.

M. WEARE Pres.

[P. 179.] State of New Hampshire } In Committee of Safety Exeter Dec^r 13, 1782.

SIR—

You are hereby authorized and earnestly requested to muster at Charlestown all such able bodied effective men as may [be] presented to you by the several Towns & Places in said State agreeably to an Act of the General Court of the 21^st of March 1782. And a Resolve of said Court herewith inclosed. And you are desired to deliver such Recruits as you may muster to some Continental Officer taking his Receipt for said Recruits.

You are also requested to supply said Recruits with provision from time to time as they shall need which provision you are authorized to call on the select men of the Town of Charlestown or any adjacent Towns who shall be paid for the same by a deduction from the Tax for the present year.

M. WEARE Pres.

Col^o Baldwin
Col^o Hunt. Copy.

NOTE. The Papers which follow, from January 3, 1783, to May 16, 1784, are found in the same MS. volume as the preceding papers, but in the *first* nineteen pages of the volume.—ED.

[P. 1.] State of New Hampshire } In Committee of Safety, Exeter, January 3d, 1783.

To Captn Titus Salter,
Commandant at fort Washington.

SIR—

You are hereby directed to continue your command at fort Washington with Lt. Bell.

You are also directed to engage (for one year from the last day of December past unless sooner discharged) one Serjeant, Two Corporals and seventeen Privates who are to have the same pay and rations as those under your command the year past.

A Copy. M. WEARE, Presidt.

State of New Hampshire } In Committee of Safety Exeter, January 11th, 1783.

To Nicholas Gilman Esq: Recr Genl.

Whereas it appears in settling the Accounts of Mr. Jedediah Jewett for purchasing Horses for the use of this State in the year 1780, That for two of the Certificates by him given, no Notes have been issued, (viz.) to Joseph Doe for the sum of Seven Hundred and fifty pounds, to John Parrott the sum of Nine Hundred Pounds Continental Currency, Therefore

You are hereby directed to receive the said Certificates and consolidate the same in like manner as tho' the Notes had been issued agreeable to said Certificates.

Copy. JOSIAH BARTLETT, Chairn

[P. 2.] State of New Hampshire } In Committee of Safety Exeter January 24th 1783.

SIR—

Yours of the 21st Instant has been received by the Committee relative to the Continental Tax.

A messenger was sent to Boston for the 8000 Dollars immediately after you was with the Committee but did not find the person expected, nor any pay for the Beef purchased from this State, and after tarrying some time wrote to the purchaser, but have not yet received any answer. As to any money in the Treasury or in the hands of the Committee there is none—shall endeavor to recover that from Boston as soon as possible and convey it to you.

M. WEARE, Presidt.

Joseph Whipple, Esq.
Copy.

Exeter, March 6th, 1783.

SIR—

On Saturday last just as our General Court were about adjourning I was honored with the receipt of your favour of the 14th Ultº inclosing a Resolve of your Genl Court of the 13th relative to appointing Delegates to meet at Hartford for the purposes mentioned in said Resolve.

I immediately laid the same before the General Assembly who appointed a Committee to take the Same into Consideration & report thereon. Copy of this report and proceed- [P. 3.] ings of the Court thereon,* I have the honor to inclose to your Excellency.

I have the honor to be
with Sentiments of Esteem & Respect
Your obedt & Humbl Servt.

M. WEARE, President.

His Excellency John Hancock, Esq
Copy.

* See State Papers N. H., Vol. VIII, p. 971.—ED.

Exeter, March 6th, 1783.

Sir—

By desire of the General Court, I inclose you a copy of a Resolve passed at their last session, by which you will see that you are not to proceed any further in the sale of the Lands of Hon. John Tufton Mason, Esqr. and it is the Expectation of the Court, that you lay before them, at their next session (which is to be at Concord on the second Tuesday of June next) an account of the Lands you have sold of said Masons, by virtue of the Act authorizing you to make Sale of some of said lands not exceeding a certain sum,* and how the money arising from the sale has been disposed of, which I doubt not you will readily comply with.

I am, Sir, your Obedt & Humbl Servt

M. Weare, Presidt

Hon. Jonathan Warner, Esq.

Copy

Exeter, March 7th, 1783.

Sir—When I had the honor to receive your favor of the 18th of December in which you nominate Stephen Gorham Esq: for Commissioner to settle the accounts between this and the United States, &c. Our General Assembly was [p. 4.] under an adjournment to the middle of February; as soon as they were convened I laid your Letter before them and they have approved of the Appointment as the inclosed Copy will shew.

I am Sir, with great Respect,
Your Obedient & Humbl Servt

M. Weare President

Honble Robert Morris Esq: Copy.

State of New Hampshire } In Committee of Safety Exeter March 13, 1783

Sir,

You are hereby authorized & requested to rent out

* See State Papers N. H., Vol. VIII, p. 967.—Ed.

for one year from the first day of this instant March, the lands of Absentees & Subjects of Great Britain which you were authorized to rent out the last year—You will make the best terms you can for the use of this State and make Return of your Doings to the General Court or Committee of Safety as soon as may be.

JOSIAH BARTLETT Chair.

Col° Samuel Chase, Litchfield.

Copy.

State of New Hampshire } In Com^tee of Safety Exeter March 21^st 1783.

DEAR SIR—

Your favor of the 18^th Inst. I have just now received by your Son. Am sorry that it is not in the power of the Committee to afford you any assistance towards your obtaining the money you are at this time in so much need of—There is not any money in the Treasury, neither is there any that is in the power of the Committee to procure on any account, so that it is wholly out of our power to do any thing to help you in the affair, such is the situation of our finances which gives us great uneasiness but it is [P. 5.] not in the power of the Committee to remedy.

I am, with great respect,
your Ob^t & Hum^ble Serv^t

M WEARE Presid^t

Gen^l John Stark Copy

State of New Hampshire } In Com^tee of Safety Exeter April 4, 1783.

SIR,

As Col° Reid is a Continental Officer of this State and much due to him from the State, We think it advisable, that you should receive the public Securities of this State for the purchase of Lands belonging to absentees, which he the said Col. Geo. Reid has made.

M WEARE Presid^t

M^r Robert Smith
Copy

Exeter in the State of New Hampshire April 10, 1783

Sir,

I have the honor to inform your Excellency that the Hon^ble^ Nicholas Gilman Esq^r^ who was appointed by the Hon^ble^ Congress Loan Officer for this State departed this life on the 7^th^ ins^t^. as business is almost daily necessary to be transacted in that Office, I thought it my duty to give Congress the earliest information of this Event.

I have the honor to be
with the greatest Respect
Your Excellency's
Most Obd^t^ & Hum^ble^ Serv^t^

M Weare Presid^t^.

His Excellency
President Boudinot

Copy

[p. 6.] State of New Hampshire,

In Committee of Safety, Exeter, April 25^th^, 1783.

Whereas Jesse Christey was committed to Gaol on the 5^th^ day of December one thousand seven hundred and eighty-two, he being charged with going over to the Enemy, and returning to this State without permission, and on the 4^th^ of January 1783 had the liberty of the Town of Exeter granted to him upon his finding sufficient bondsmen :—And Whereas a Cessation of Hostilities between the United States and Great Britain has taken place ;—

This may certify that the said Jesse Christey is hereby liberated and discharged from his Bonds and hath liberty to depart, he paying the Gaolkeeper his lawful fees and charges.

M. Weare, Presid^t^

Copy.

State of New Hampshire.

In Committee of Safety, May 16, 1783.

To Capt. Titus Salter

Sir—You are hereby directed to make Sale of the Bridge built by this State from the shore to Janvrin's Island at Portsmouth with all the materials thereto belonging. You are desired to sell the same at public Vendue giving timely notice of the Sale and that State Securities will be taken in payment thereof.

Copy. M. Weare, Presid^{t}.

[p. 7.] State of New Hampshire

Exeter May 23^{d} 1783.

In Committee of Safety

Sir—You are allowed to enter British Vessels untill you receive other Orders, as the reasons for excluding them have ceased.

M. Weare, Presd^{t}.

Eleazer Russell, Esq^{r}. Copy.

State of New Hampshire } Sir— Exeter, June 6th, 1783.

In answer to your several Queries respecting a settlement with the Army would inform you, that the State of New Hampshire in Settling with their Troops, supposed the Paymaster paid them their wages in Continental money to Jan^{y} 1st 1780, and that it amounted in the year 1777 to one half, in 1778 to one sixth, and in 1779, to one twentieth of the sum promised, and accordingly made up Depreciation to the three Battalions of the New Hampshire [troops] those in Maj^{r} Whitcomb's Corps, and in Col^{o} Jackson's Regiment who were returned from the Board of War at Philadelphia as part of this State's Quota.

In settling Depreciation for the years 1780 & 1781 agreeably to the inclosed Act, the Pay Masters Accounts have been reduced by the State Scale inclosed and deducted accordingly.

The State has paid to Brig^{d} Gen^{l} James Reed the Balance for Wages & Depreciation to Decem^{br} the thirtieth [P. 8.] 1780 inclusive, and for 9372 detained Rations at 8d each agreeably to a Resolve of Congress of the 14th Dec^{r} 1781.

The State has also paid to Brig^{d} Gen^{l} John Stark, Depreciation for the years 1778, 1779 and 1780: likewise six months Wages amounting to £225, and Seventy two pounds sixteen shillings for six months subsistence agreeably to a Recommendation of Congress of the 28th Sept^{r} 1781.

There has been paid the Rev^{d} Israel Evans and others as p^{r} inclosed accounts.

Inclosed you have an account of monies advanced by the State towards wages for the year 1782.

The inclosed Act for settling depreciation for the years 1780 and 1781 was passed in consequence of General Recommendations of Congress for the Several States settling with their respective lines and before the Resolutions of Congress for the payment of the Army after August 1780.

An Answer would have been sent before had notice been timely given, but the first information was by his Excellency Gen^{l} Washingtons Letter of the 14th of April, which was received about the middle of May,—on receipt of which the accounts were ordered to be prepared as soon as possible. Mr. Morris's Letter dated 20th of March 1783 was not received untill the 25th of May 1783.

The short time since the receiving of the Letters relative [P. 9.] to the forwarding of the accounts renders it impracticable, with respect to the Cloathing, to be sent by Lieut. Harvey, but shall be sent forward as soon as possible.

I am, &c.

M. Weare, Presid^{t}.

Mr. John Pierce, Paymaster Gen^{l}.

Copy.

State of New Hampshire } In Committee of Safety, Exeter, July 11th, 1783.

GENTLEMEN—

You are hereby requested to proceed as soon as may be in carrying into Execution the Votes of the General Assembly respecting moving and making sale of Barracks, Platforms &c. at the Forts Washington, Sullivan & Jerrys Point agreeably to your appointment.

You are desired to remove one of the Barracks from Jerrys Point with such part of the platforms as may be thought necessary to fort Point: Also, the Magazine and flag-Staff from fort Washington and place the same in proper order at said fort point, the remainder of the Barracks & Platforms you will dispose of agreeable to the vote of the General Assembly of the 20th of June 1783. The Ordnance & public Stores &c. you will immediately take under your care, that Capt. Salter may be discharged agreeable to said Vote.—thirteen of the smaller Cannon are to be removed to fort point, the remainder of the Guns, [P. 10.] with the warlike stores to be carefully secured agreeable to the vote of the 18 June last.

M. WEARE Presidt.

Geo. Gains, Esqr & Mr Nathl Folsom } Copy.

State of New Hampshire } In Committee of Safety, Exeter, July 11th 1783.

To Lieut Meshech Bell—

SIR—You are hereby directed to enlist five able bodied effective men to serve under your command at fort point, untill the first day of July next unless sooner discharged who are to have the same wages & Rations as has been allowed to the troops raised for the defence of Piscataqua Harbour in the year past, and you are to obey such orders as you may from time to time receive from the General Assembly or Committee of Safety for this State, or from the Naval officer agreeable to the Laws of the State.

Copy. M. WEARE, Presidt.

State of New Hampshire } In Committee of Safety, Exeter, July 25th 1783.

To Benjamin Cram, Daniel Kelley, Nicholas Mudget & Samuel Thing Junr, Jonathan Quimby, Oliver Thurston, Stephen Leavitt & Gilman Leavitt:

Whereas a quantity of the Powder belonging to this State [p. 11.] which was deposited in Brintwood is missing and Information has been given to this Committee that you and others were concerned in the removal or destruction of the same;—These are to desire that you would appear before this Committee on Friday the eighth day of August next in order to settle and accommodate the matter, which will prevent a prosecution by the Attorney General

Copy. M. Weare, President.

State of New Hampshire } In Committee of Safety, Exeter, July 26th, 1783.

Sir—Repeated calls from Congress for a representation from this State induces the Committee to request that you would again take the matter under consideration, and if possible to go, if but for a short time, as this State must be unrepresented untill after the next meeting of the General Assembly, unless you consent to go.

General Whipple will give you further information of the matter.

M. Weare, Presidt

The Honble John Langdon, Esq.

State of New Hampshire } In Comtee of Safety, Exeter, July 31st, 1783.

Whereas the Town of Pembroke were called upon for six men as their deficiency to fill up the Continental Battalions, and that they have made it appear to this Committee, that [p. 12.] they had procured five of said men:

This is therefore to certify that the Town of Pembroke is hereby discharged from the Extents issued against them

for the deficiency of said five men upon their paying for the deficiency of one man & all necessary charges.

Copy. NATH[l] FOLSOM, Chairm[n]

State of New Hampshire } In Committee of Safety, Exeter August 9[th] 1783.

GENTLEMEN—You are hereby requested to inspect the salt beef belonging to this State and now in the Custody of M[r] Bickford Issuing Com[ss], and if upon examination, it shall appear of any value, you are desired to sell it at public vendue, if not of any value upon your certifying the same to M[r] Bickford he will see that it be removed as soon as may be.

JOSIAH BARTLETT, Chair[n].

Maj[r] George Gains & M[r] Nath[l] Folsom.

Copy.

State of New Hampshire } In Committee of Safety, Exeter, Aug. 16, 1783.

SIR—

We are informed that there are a number of Extents for the deficiencies of soldiers, which were sent to the County of Cheshire, which have not been returned into the Treasurer's office agreeably to an Order of Court.

This is therefore to desire you, that said Extents may be returned into the Treasurer's office as soon as may be as there is a necessity that the Treasurer should be informed that he may govern himself accordingly.

M. WEARE, President.

Enoch Hale late Sheriff for the County of Cheshire.

Copy.

[P. 13.] State of New Hampshire } In Committee of Safety, Exeter, August 29th, 1783.

To whom it may concern:

Whereas Dorothy Nelson of Portsmouth in the County of Rockingham and State aforesaid, Widow, hath petitioned this Committee for leave that her only son Daniel Nelson, who went from Portsmouth to Great Britain more than nine years ago, being at that time not fourteen years of age might be permitted to return to this State:

Permission is therefore hereby granted to the said Daniel Nelson to return to this State to visit his Relations and to pass & repass without molestation for that purpose untill further order.

Copy. M. WEARE, Presidt.

State of New Hampshire } In Committee of Safety, Exeter, Augst 29, 1783.

To whom it may concern:—

Whereas Abigail Robertson wife of Robt Robertson now at New York bound to Nova Scotia is desirous to visit her relations at Portsmouth when on her way to said Nova Scotia:—

She is hereby permitted to tarry at Portsmo for the space of three months and no longer without further liberty from the Genl Court or from the Committee of Safety.

Copy. M. WEARE, Presidt.

State of New Hampshire } In Committee of Safety, Exeter, Octo 11th, 1783.

To Solomon Wheeler, Deputy Sheriff:—

Whereas the Town of Salem did not make a Return of two men who were mustered for said Town, and that therefore an Extent was issued against them for their deficiency [P. 14.] of men by the Treasurer, but now have made it appear to this Committee they were mustered in season—

You are therefore directed to return said Extent into the Treasurer's office, said Town satisfying you for your trouble.

Copy. M. WEARE, President

State of New Hampshire:

In Committee of Safety, Exeter, Nov^r. 21, 1783.

Pursuant to an order of the General Court, the Excise on Spirituous Liquors will be farmed at Public Vendue for the term of one year from the first day of October last by Committees appointed for that purpose, and at the times and places hereafter mentioned, viz.

For the County of Strafford, at the House of Mr. Shannon, inholder in Dover, on Thursday, the first day of January next, at 2 o'clock in the afternoon.

For the County of Hillsborough at the House of Mr. Jonathan Smith, Inholder in Amherst on Thursday the eighth day of January next at 2 o'clock in the afternoon.

For the County of Cheshire at the House of Mr. Aaron Eames, Inholder in Keene on Thursday the 15^th^ day of January next, at 2 o'clock in the afternoon.

For the County of Grafton, at the House of Capt. Aaron Fisk, Inholder in Haverhill on Thursday the 22^d^ day of January next at 2 oclock in the afternoon.

For the County of Rockingham at the House of Col^o^ Sam^l^ Folsom, at Exeter, on Thursday the 29^th^ day of January next at 2 o'clock in the afternoon.

Articles of sale may be seen at the times and places above mentioned.

By order of the Com^tee^ M. WEARE, Presid^t^.

Copy.

[P. 15.] State of New Hamp^r^

January — 1784.

Conditions of Sale at a Public Vendue for farming the Excise on spirituous Liquors in the County of ——— in s^d^

State, for one year commencing on the first day of Oct° 1783, agreeably to an Act of said State.

1. That the Excise on spirituous Liquors in said County be struck off to the highest Bidder at the Vendue.

2. That one moiety of the Sum for which s^d^ Excise shall be struck off, shall be paid in specie on or before the first day of June next, and the remainder on or before the first day of December next.

3. That the person to whom said Excise shall be struck off, shall forthwith procure two sufficient Sureties belonging to this State to be bound with him in a Bond to the Treasurer of said State for the payment of said Excise in double the sum the Excise shall be struck off for.

4. That no person shall be allowed to bid less than six shillings at every bid.

5. That if any person to whom said Excise shall be struck off shall not comply with the terms herein prescribed, that he forfeit and pay to the Vendue Master for the use of said State the sum of six pounds in specie and the Excise shall be set up for Sale again.

6. That when any dispute shall arise respecting any bid, the same shall be determined and adjusted by the majority of the Bidders present.

Committee for the Sale of s^d^ Excise.

Col° Dame & John Wentworth, Esq^r^ or either of them for the County of Strafford.

Gen^l^ Nichols & Capt. Josiah Crosbie or either of them for Hillsboro'.

Mr. Daniel Kingsbury & Capt. Josiah Richardson or either of them for Cheshire.

Col° Cha^s^ Johnson & Moses Dow Esq^r^ or either of them for Grafton.

Gen^l^ Folsom & Noah Emery jun^r^ or either of them for Rockingham.

[P. 16.] State of New Hampshire

In Committee of Safety, Exeter, Nov^r 21^st 1783.

To ——— ———

Whereas by a vote of the Gen^l Court of the eighth Instant, The Committee of Safety by themselves or others by them appointed were to make sale of the Excise in the several Counties within this State:—

You or either of you are hereby appointed a Committee to farm at Public Vendue the Excise on Spirituous Liquors in the County of ——— for one year from the first day of October last. The Vendue to be held at the House of —— Inholder in ——— on the ——— day of January next at 2 o'clock P. M. at which time and place you will please to attend. Conditions of Sale are enclosed which you will please to see are complied with.

M. WEARE, Presid^t

Concord Dec^r 25^th 1783.

To the Naval Officer,

[P. 17.] SIR—You will herewith receive enclosed a Copy of a vote of Court appointing you Receiver of powder money for this State and it is expected that you will carefully exact the same from every foreign Ship or Vessel above thirty Tons agreeably to an Act of said State.

Copy. M. WEARE, Presid^t.

[P. 16.] Concord Jan^y 3^d 1784

SIR,

I am desired by the General Assembly of this State to acquaint you of the necessity there is that the Accounts respecting the raising &c of the second Regiment raised by you should be immediately settled and to desire you to send or bring s^d Accompts with the proper Vouchers to the Com^tee of Safety at Exeter as soon as may be, that the same may be settled as there is now a Gentleman at Exeter appointed to settle Accounts between the United States and this State who calls for the Accompts and should we not be able to exhibit them properly settled & vouch'd this State might loose large Sums which should properly be charged to the United States.

I cannot therefore doubt but you will bring or forward [p. 17.] your Accompts with the State to the Committee of Safety as speedily as possible with the necessary vouchers that the same may be fully settled.

I am &c

Copy.

Concord, Jan^{y} 3^{d}, 1784.

Sir—

I am desired by the General Assembly to acquaint you of the necessity there is that the Accompts respecting the raising the 2^{d} Regiment rais'd by Col^{o} Bedel should be immediately settled as there is a Gentleman now at Exeter appointed to settle acc^{ts} between the United States and this State who calls for the acc^{ts}, and should we not be able to produce them properly settled and vouched it might be a great loss to the State. I am therefore to request you to bring forward to the Com^{tee} of Safety at as speedily as may be the acc^{ts} as far as you may have been concerned respecting raising &c. of s^{d} Reg^{t} together with the proper Vouchers that so the whole acc^{t} may be fully settled and I cannot doubt but you will readily comply with this request.

Copy. I am &c.

[p. 18.] State of New Hampshire

In Com^{tee} of Safety, Exeter Jan^{y} 23^{d}, 1784.

Sir—

You are hereby requested to examine the Records or files of the Superior Court and as soon as may be inform this Committee respecting the Judgments recovered against Gove & Jn^{o} Holland in the County of Hillsborough, Richardson in the County of Strafford & Doctor Wood in the County of Rockingham, or any other persons in either County who have been convicted of counterfeiting or passing counterfeit money and also of such recognizances as have been estreated, and in whose hands the money now is that has been paid as far as you have any knowledge of the matter.

Josiah Bartlett, Chairm

Nath^{l} Adams, Esq.

Copy.

State of New Hampshire } Exeter March 25th 1784.
In Committee of Safety.

GENTLEMEN—

We have this moment received your Letter of the 24th Instant. We agree in Sentiment with the respectable Gentlemen who signed it, That it is absolutely necessary in order to a free Trade that the advantages should be reciprocal, and that no Vessel belonging to any foreign Power whose Ports are shut against us, and shall not fail to lay the matter before the General Court as soon as they meet, and shall urge it as a matter of the first importance.

We approve of your advice given to Capt Manning, but do not look on ourselves as a Committee of Safety authorized to determine absolutely on the subject.

JOSIAH BARTLETT, Chairmn

To John Langdon, Esqr. & others.

Copy.

[P. 19.] Exeter, May 14th, 1784.

SIR—Your favor of the 11th Inst. has been received and in answer to your request am sorry to inform that there is no money in the Treasury nor is it very probable there will very soon be a sum sufficient to satisfy your Demand

That there are large Sums due for outstanding Taxes,—that many Collectors are taking every advantage of the hard money which they collect is but too true, and very sensibly felt by many Individuals who have Demands on the Treasury of this State; But how to remedy this evil is difficult.

Copy. I am, &c

M. W.

[To Gen. John Sullivan.]

CENSUS OF 1773,

AND

CENSUS OF 1786.

Note by the Editor.

It was known that a census of the inhabitants of this province was ordered by Gov. Wentworth in 1773; but search was made for it in vain. Neither Dr. Belknap nor John Farmer, Esq., discovered the returns. Recently, however, they were found on file in the library of congress by the Hon. A. H. Cragin, senator from New Hampshire, and by him copied and generously presented to the New Hampshire Historical Society. The following is a copy of Mr. Cragin's letter to the society, accompanying his presentation of the census:

CENSUS OF 1773,

Taken by order of His Excellency John Wentworth, Governor.

United States Senate Chamber,
Washington, May 16, 1876.

Sir:

I take pleasure in presenting to the New Hampshire Historical Society a correct copy of the first census* of New Hampshire, taken by direction of Governor John Wentworth in the year 1773, as appears by original manuscript papers on file in the library of congress.

There are some minutes of proceedings of council, with other manuscript papers, which, in part, I am unable to read; but as they may at some future time be deciphered, I suggest that several blank sheets be bound with this book, so that the whole may be copied in this volume.

The recapitulation, with index, &c., the officers of the society can make when the work is arranged for binding, as that can better be done under their direction.

Respectfully,

A. H. Cragin.

Rev. N. Bouton,
Sec. N. H. Historical Society,
Concord, N. H.

The following is a copy of the order sent out by Gov. Wentworth to the selectmen of each town in the Province, in relation to the census which they were to take:

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* A census of the province was taken in 1767, according to which the number of inhabitants was 52,700. (See Prov. Pap. N. H., Vol. VII, pp. 168–170.)—Ed.

Portsmouth, October 15th, 1773.

SIR—

I am to request an exact list of the number of inhabitants in the town of ———, distinguished into different Ranks or Classes, according to the schedule below,—which I shall be glad to have returned to me, authenticated as soon as possible.

JOHN WENTWORTH.

Unmarried men from 16 to 60	Married men from 16 to 60	Boys 16 years and under	Men 60 years and upwards	Females unmarried	Females married	Widows	Male Slaves	Female Slaves	Total

} Selectmen

[It appears that the returns from the several towns were made in exact conformity to the above schedule. But inasmuch as it is unadvisable to repeat the order and form of schedule for each town, the editor has judged it sufficient to arrange the returns in tabular form, according to the schedule, with the names of the selectmen, and such remarks as are needful for explanation, as made on the returns.—ED.]

Towns	Unmarried men from 16 to 60.	Married men from 16 to 60.	Boys 16 years and under	Men 60 years and upwards	Females unmarried.	Females married	Widows	Male Slaves	Female Slaves	Total.	Names of Selectmen, &c.
Allenstown	8	17	39	4	49	21	4		1	143	Andrew Buntin, John Leonard, John Hayes, Ass^{rs}.
Atkinson	39	73	132	16	170	87	13	2	3	535	Timothy Ladd, John Knight, Selectmen
Bow	5	58	84	2	101	58				308	Benja. Noyes, Solomon Heath, Selectmen
Brentwood	78	146	261	28	365	175	33	2	1	1089	[No signatures.]
Candia	52	111	182	2	200	112	4			663	Abra^{m} Fitts, Moses Baker, Walter Robie, Selectmen
Canterbury	66	96	150	10	164	104	5	5	0	600	Jere^{h} Clough, Jr., Asa Forster, Selectmen; sworn, before Archelaus Moore, J. P.
Chichester	29	44	77	2	75	46				273	Ebenezer Barton, Samuel Davis, John Cram, Sel^{m}. sworn before John McClery, J. P.
Chester	151	229	355	53	453	261	43	5	2	1552	Sam^{l} Robie, Rob^{t} Wilson, Joseph True, Selectmen.
Concord	96	151	260	30	283	154	12	8	9	1003	[No signatures.]
Deerfield	68	143	238	8	290	151	10	2	1	911	Abraham True, Jeremiah Eastman, Richard Jenniss,
										910	Selc^{m} sworn before Sam^{l} Leavitt, J. P.
Epping	121	225	406	31	571	246	31	10	7	1648	Enoch Coffin, Seth Fogg, Selectmen.
Epsom	18	53	86	1	109	53	4	1	1	327	Eliphalet Sanborn, Selectman; sworn before John McClery, Just P.
Exeter	129	252	366	50	539	270	59	24	25	1714	Sam^{l} Brooks, Eph^{m} Robinson, Peter Coffin, Selectmen
East Kingston	29	54	93	20	118	72	13	3		402	Sam^{l} Stevens, Nath^{l} Bachellor, Jacob Gale, Selectmen
Greenland	70	85	178	16	242	103	20	6	11	731	Wm. Weeks, John Haven, Nathan Johnson, Selectmen.
Hampstead	58	106	181	24	219	125	14	1	0	728	Thomas Walley, Burt. Heath, John Calfe, Selectmen.

ROCKINGHAM COUNTY—*Continued.*

Towns	Unmarried men from 16 to 60	Married men from 16 to 60	Boys 16 years and under	Men 60 years and upwards	Females unmarried.	Females married	Widows	Male Slaves	Female Slaves	Total.	Names of Selectmen, &c.
Hampton	80	120	203	36	291	151	33	2	1	917	William Lane, Joseph Dow, Simon Nute, Phillip Towle, Joshua James, Selectmen.
Hampton falls	44	146	99	21	218	96	22	1	1	648	Benjamin Tilton, Nehemiah Cram, Wm. Davison, Selectmen. Sworn before Meshech Weare, Jus. P.
Hawke*	25	71	110	8	172	81	10	1	0	478	Dyer Hook, Moses Colbey, Selectmen.
Kensington	65	107	182	34	265	141	28	None	None	822	John Lane, Joseph Clifford, John Blake, Selectmen.
Kingston	110	142	201	41	295	172	23	3	2	989	Josiah Bartlett, John Wadleigh, Selectmen.
Londonderry	228	299	587	84	833	357	58	12	13	2471	James McGregore, Clerk to the Selectmen.
Loudon,	12	36	58	2	54	38	3		1	204	Jethro Bachellor, Moses Holman; sworn before Archelaus Moore, of Canterbury.
New Castle	58	89	128	24	167	100	22	7	6	601	Henry Prescott, John Simpson, Selectmen.
Newington	46	62	114	20	172	77	21	21	15	548	
Newmarket	113	178	341	22	435	188	43	8	16	1344	Israel Gilman, Nat. Rogers, Selectmen.
Newtown	52	74	118	24	189	95	18	0	2	572	Daniel Sargent, Robert Stuart, jun. Charles Collins, Selectmen
North Hampton	47	96	172	25	228	116	16	0	2	702	Benjamin Hobbs, Cristopher Smith, Reuben G. Dearborn, Selectmen.
Northwood,	9	49	58	2	77	51	4	0	0	250	[No signatures.]
Nottingham	49	139	251	14	283	139	19	5	5	904	Benjamin Butler, Selectman.

Pelham	49	95	198	21	193	114	12	1	1	684	Josiah Gage, Moses Eatton, Selectmen.
Pembrook	45	110	176	12	186	119	12	5	1	666	Benj[a] Norris, Aaron Whittemore, Selectmen.
Plaistow	49	78	125	23	194	101	17	3	1	591	Joseph Welch, David Bryant, Ezekiel Gile, Selectmen
Poplin†	35	83	156	10	178	91	10		1	564	Zach[a] Clough, Thomas Beede, Selectmen.
Portsmouth	617	371	868	93	1346	682	235	100	60	4372	Benjamin Akarman, Sam. Cutts, George Hart, Geo. Gains, William Langdon, Selectmen
Raymond	44	98	189	11	222	107	12			683	John Dudley, Jon[a] Swain, Ezekiel Lane, Selectmen.
Rye	69	113	190	24	259	132	36	12	7	842	Sam[l] Wallis, Joseph James, Selectmen.
Sandown	54	81	148	15	182	95	14	1	0	590	Jon[a] Colby, jun. William Rowel, Selectmen.
South Hampton	39	67	96	18	153	81	17	1	1	473	Abel French, Moses French, Joseph Merrill, Selectmen.
Seabrook	48	94	153	17	156	103	25			596	Richard Smith, David Gove, Elisha Brown, Selectmen.
Stratham	77	138	234	27	382	161	45	3	1	1068	Daniel Clark, John Taylor, Simon Wiggin, Stephen Piper, Mark Wiggin, Sel[m]
Windham	51	56	120	18	161	69	14	5	8	502	John Dinsmoor, Nath[l] Hemphill, Will[m] Gregg, jr. Selectmen

* Now Danville.

† Now Fremont.

[Total inhabitants in Rockingham county, in 42 towns, 34,707.
Total number of slaves,—260 males, 206 females=466.—Ed.]

STRAFFORD COUNTY.

Towns	Unmarried men from 16 to 60	Married men from 16 to 60	Boys 16 years and under	Men 60 years and upwards	Females unmarried	Females married	Widows	Male Slaves	Female Slaves	Total	Names of Selectmen, &c.
Barnstead	12	26	41	3	41	29				152	John Tasker—"no town selectmen—wait for your Excell^{y} to incorporate us."
Barrington	110	223	350	7	397	223	26	4	1	1341	[No signatures.]
Dover	172	220	393	43	514	255	42	15	11	1665	Caleb Hodgdon, Joshua Wingate, Step^{n} Evans, Selectmen
Durham	108	138	266	52	336	183	42	15	9	1149	Jn^{o} Smith, Sam^{l} Chesle, John Smith, Selectmen
East Town*	20	49	65	1	64	48			1	248	[No signatures.]
Gilmanton	49	105	180	2	188	105	5	1		635	Anxip T. Gilman, Joshua Bean, Selectmen.
Leavitts Town†	6	20	30	0	34	21				111	Per Thos. Parsons.
Lee	58	142	257	18	309	157	13	5	1	960	Miles Randel, George Tuttle, Hercules Mooney, Selectmen
Madbury	34	84	154	29	199	107	15		3	625	Stephen Pinkham, John Roberts, Elijah Austin, Selectmen
Meredith	23	37	57	0	64	37	0	0	0	218	Ebenezer Smith, Jonathan Smith, Nathaniel Robinson, Selectmen "there being no men upwards of Sixty, nor Slaves in said town."
Moultonborough	28	46	68	2	68	49	2	0	0	263	Bradbury Richardson, John Adams, Selectmen.
New Durham	30	42	72	1	88	42	4	1	0	280	James Stillson, Tho^{s} Young, Selectmen.

Rochester	123	210	346	26	437	241	34	2	1	1420	Ebenezer Tebbets, Paul Libbey, Sam[l] Laighton, Selectmen
Sandwich	9	35	64	0	61	35	0	0	0	204	Bagly Weed, D[d] Beede, Selectmen
Somersworth	106	140	246	34	278	161	42	20	11	1038	Ebenezer Roberts, John Fosse.
Sandbornton	28	57	104	3	100	57	2	1	0	352	Chase Taylor, James Cates, Benjamin Hoit, Selectmen.
Wolfborough	16	25	49	2	43	25	5			165	Thomas Taylor, James Connor, Selectmen.

* Now Wakefield. † Now Effingham.

[Total inhabitants in 17 towns in Strafford county, 10,826.
Total slaves,—64 males, 38 females = 102.—Ed.]

HILLSBOROUGH COUNTY.

Towns	Unmarried men from 16 to 60	Married men from 16 to 60	Boys 16 years and under	Men 60 years and upwards	Females unmarried	Females married	Widows	Male Slaves	Female Slaves	Total.	Names of Selectmen, &c.
Amherst	109	237	330	13	412	245	19	3	2	1370	Moses Nichols, Sam[l] Wilkins, Stephen Peabody, John Patterson Selectmen
Bedford	54	62	121	15	49	72	7	4	4	388	John Bell, on behalf of the rest, John Little, Adam Dicky, not present, Selectmen
Boscawen	34	76	140	11	147	90	6	0	0	[504]	Eben Hidden, George Jackman, Sam[l] Gerrish, Selectmen.
Camden*	11	21	40		37	21	2			132	"Taken by Isaac Temple of Limerick"
Derryfield†	28	30	77	7	92	40	3	1	1	279	John Stark, John McCalley, Selectmen.
Dunbarton	26	73	148	6	128	78	4	1		464	Jeremiah Page, "one of the Selectmen."
Dunstable	51	71	156	18	213	89	5	1	6	610	Rob[t] Fletcher, Jo[s] Whiting, Benj[a] French, Jo[s] Eayrs, Noah Lovewell, Selectmen.
Goffstown	67	101	195	11	237	107	9	3	2	732	Sam[l] Richards, Moses Little, Selectmen.
Henniker	19	60	93	2	96	62	5	0	1	338	Aaron Adams, Jonas Bowman, James Joslen, Selectmen
Hillsborough	16	27	34	3	44	29				153	Isaac Andrews, William Pope, Daniel McNeal, Selectmen.
Hollis	104	180	287	18	355	190	25	2	1	1162	Sam[l] Cummings, Stephen Ames, Nath[s] Ball, Elnathan Blood, Jacob Jewett, Jr., Selectmen.
Hopkinton	43	151	297	10	267	156	17	2	0	943	John Putney, Isaac Chandler, Selectmen.
Litchfield	26	35	68	13	95	43	12	2	5	299	William McQuesten, John Howell, Daniel Kendall, Selectmen.

Mason	32	77	136	4	125	81	7	1		463	Jonathan Winship, Obadiah Parker, Josiah Wheeler, Selectmen.
Merrimac	50	82	129	8	170	89	11	8	5	552	Augustus Blanchard, Eben^{r} Nichols, John Chamberlin, Selectmen
New Almsbury‡	10	36	62	4	59	38	4			213	Parmenas Watson, Francis Davis, Nehemiah Heath, Assessors.
New Boston	23	61	137	6	110	64	5	2	2	410	Jesse Cristey, Thomas Willson, Selectmen.
New Britain§	9	26	36	2	36	26				135	[No signatures.]
New Ipswich	48	165	232	5	277	139	12	2	2	882	"One non compus." Benjamin Adams, Wm. Shattuck, Charles Barret, Nath^{l} Stone, Selectmen
Nottingham W'st‖	41	88	150	14	179	100	16	2	2	592	Abraham Page, Nathaniel Dais [Lewis?], John Haseltine, Jr. Selectmen
Peterborough	44	66	131	12	172	72	11	3	3	514	Thomas Morisson, John Smith, William Smith, John White, Selectmen
Peterborough-Slip	7	14	22	1	23	14	0	0	0	81	[No signatures.]
Salisbury	20	70	111	5	130	76	3	1	0	416	John Webster, John Fifield.
Temple	28	74	121	2	115	76	2	0	0	418	John Cragin, jun. David Spafford, Selectmen.
Weare	39	138	262	10	280	147	7		1	884	Jere^{h} Corlis, John Hodgdon, Selectmen
Wilton	37	91	168	7	168	99	8	1	1	580	Jas. Butterfield, Jona. Burton, Selectmen.

* Now Washington.
† Now Manchester.
‡ Now Warner.
§ Now Andover.
‖ Now Hudson.

[Whole number of inhabitants in 26 towns in Hillsborough county, 13,514. Number of male slaves, 39; of female, 38 = 77.—Ed.

CHESHIRE COUNTY.

Towns	Unmarried men 16 to 60	Married men from 16 to 60	Boys 16 years and under	Men 60 years and upwards	Females unmarried	Females married	Widows	Male Slaves	Female Slaves	Total	Names of Selectmen, &c.
Alstead	24	37	66	4	59	42	1			232	Absalom Kingsbery, Andrew Beckwith, Oliver Shepard, Selectmen
Charlestown	69	83	151	3	191	85	8			590	Sam[l] Hunt, Wm. Heywood, Enos Stevens, Selectmen.
Chesterfield	55	109	224	12	220	120	7	0	0	747	Zerubbabel Snow, Ephraim Baldwin, Martin Warner, Selectmen
Claremont	41	66	121	2	125	66	2	0	0	423	Asa Jones, Benjamin Brooks, Joseph Taylor, Selectmen.
Cornish	28	36	52	1	60	35	1			213	Sam[l] Chase, Jona[th] Chase, Elias Cady, Selectmen.
Croydon	13	16	21	1	23	16	1			91	John Cooper, Moses Whipple, Selectmen
Dublin	16	45	74	1	71	46	1	1	0	255	Eli Morse, Sam[l] Twitchell, Reuben Morse, Selectmen
Fitzwilliam	18	44	55		53	44				214	John Mellen, Edward Kendall, Selectmen.
Gilsom	17	21	32	4	37	22	2	0	0	139	Ebn[r] Dewey Sr. Pelatiah Pease, Selectmen
Hinsdale	28	28	48	5	70	31	8	1	1	220	Tho[s] Taylor, Stephen Tuttle, Selectmen.
Jaffrey,	13	50	89	2	92	52	5	0	0	303	Jonathan Stanley, William Smiley, Phineas Spaulding, Selectmen
Keene	65	96	140	11	217	105	10	1		645	David Nims, Eliphalet Briggs, Jr. Benjamin Hall, Selectmen.
Lempster	11	13	16		17	9				66	Allen Willey, "Proprietors Clark."
Limerick*	16	43	62	2	49	43				215	Isaac Temple.
Marlow	11	29	43		40	32	1			156	Nicodemus Miller, Sam[l] Canfield, Selectmen.

Monadnock, No. 5†	17	39	88	1	89	40	1			275	Benj[a] Tucke, Eliphalet Stone, And[w] Colburn; "As there is no Selectmen in this place, we therefore subscribe ourselves, his Britanic Majestise Loyal Subjects."
Monadnock, No. 6‡	12	23	32	0	27	23	0	0	0	117	"Test. Breed Batcheller, Proprietors Clerk"
Newport	14	23	40	2	54	23				156	Aaron Buel, Samuel Hurd, Jesse Willcok, Selectmen
Plainfield	32	40	65	6	85	43	4			275	John Stevens, Francis Smith, Benjamin Chapman, Amos Stafford, Selectmen
Richmond	32	112	257	5	218	115	6			745	Oliver Cafron, Moulton Bullock, Silas Gaskill, Selectmen.
Rindge	42	99	170	11	166	109	5	2	0	604	Jonathan Sherwin, Edward Jewett, Selectmen.
Saville‖	8	16	15	0	16	16	1	0	0	72	"Attested. John Wendell, Pro[rs] Clerk."
Surry	22	30	52	2	70	32	0	0	0	208	[No signatures.]
Swanzey	42	74	148	13	164	85	9	1	0	536	Chas. Applin, Tho[s] Hammond, Joseph Hammond, Samuel Hills, Selectmen
Unity	7	18	32		32	17				106	John Lee, Abner Chase, Amos Chase, Selectmen.
Walpole	48	81	157	11	160	87	5			549	B. Bellows, Tho[s] Sparhawk, Benj[a] Bellows, jr. Selectmen.
Westmoreland	50	109	206	13	198	117	5	0	0	698	Ebenezer Brittan, George Aldrich, Abiel Eddy, Selectmen
Winchester	42	93	170	14	209	113	3	1	1	646	Reuben Alexander, Joseph Stowell, Paul Richardson, Selectmen

* Now Stoddard. ‡ Now Nelson.
† Now Marlborough. ‖ Now Sunapee.

[The number of inhabitants in 28 towns in Cheshire county, is 9,496. No. of slaves,—7 males, 2 females = 9.—Ed.]

Towns	Unmarried men from 16 to 60	Married men from 16 to 60	Boys 16 years and under	Men 60 years and upwards	Females unmarried	Females married	Widows	Male Slaves	Female Slaves	Total	Names of Selectmen, &c.
Apthorp(1)	1	3	4	0	2	3	1	0	0	[14]	"Taken by the subscriber Tim° Bedel."
Bath	18	25	46	0	36	25	0	0	0	150	[No signatures.]
Campton	14	22	39	1	40	22	1			139	Ebenezer Taylor, Isaac Brainerd, Selectmen
Canaan	12	11	16		11	12				62	Asa Kilborn, Eben[r] Eames, Joseph Cram, Selectmen
Conway	40	42	39	4	37	40	1			203	Abiel Lovejoy, W[m]y Brown for John Webster, Selectmen.
Cockermouth(2)	11	22	24		28	22				107	Ebenezer Melvin, James Goold, Selectmen
Dorchester	23	13	33		38	14				121	John House
New Grantham(3)	7	10	12	2	17	11	0	1	0	60	Abel Stevens.
Hanover	58	49	86	7	80	54		4	4	342	"Students at College, 90." John Ordway, John Knight, Jona[s] Freeman, Selectmen
Haverhill	30	66	107	1	112	66	3	1	1	387	Ephraim Wesson, Cha[s] Johnson, Selectmen.
N'w Holderness(4)	9	21	45	6	41	25	0	0	0	147	Nath[l] Thompson, Bryan Sweeney, Selectmen
Lancaster	3	6	8	2	10	7	1	0	0	37	[No signatures.]
Lebanon	44	50	62	4	79	54	2	0	0	295	Azariah Bliss, John Slapp, Selectmen
Lime	29	37	53	5	71	39	3	2	2	241	Walter Fairfield, Jonathan Child, Charles Nelson, Selectmen
New Chester(5)	5	31	63	2	46	32	0	0	0	179	Carr Huse, Cutting Favour, Selectmen—"Errors excepted."
Northumberland	10	9	8		11	8	0	0	0	46	Jacob Treadwell.
Orford	17	39	60	3	63	43	1		2	228	Israel Morey, Eldad Post, Selectmen.

Plymouth	29	57	90		107	57	2	1	2	345	Benj[a] Goold, John Willoughby, Samuel Devlin, Selectmen.
Stewartstown(6)	24	14	17		19	14				88	Seth Wales, Nehemiah Classon, Alpheus Hill, Selectmen of s[d] towns.
Rumney	21	31	61	1	47	29	2	0	0	192	Ezra Gates, Moses Ordway, Alexander Craig, Selectmen. Sworn before Daniel Brainerd, Justice Peace.
Thornton	16	13	18	1	12	14				74	[No signatures.]
Trecothick(7)	8	8	16		18	8				50	John House.
Wentworth	1	6	13		15	7				42	"Taken per Asa Porter."

(1) Now Dalton. (2) Now Groton. (3) Now Grantham.
(4) Now Holderness. (5) Now Hill. (6) Including Cockburn and Colbrook.
(7) Now Ellsworth.

[Whole number of inhabitants in 25 towns returned in Grafton county, 3,549. No. of slaves,—male 9, female 11 = 20.—Ed.]

Summary of the Census of 1773, by Counties.

Counties.	*Towns.*	*Population.*	*Slaves.*
Rockingham Co.	42	34,707	466
Strafford Co.	17	10,826	102
Hillsborough Co.	26	13,514	77
Cheshire Co.	28	9,496	9
Grafton Co.	25	3,549	20
Total,	138	72,092	674

CENSUS OF 1786.

NOTE BY THE EDITOR.

The census which follows, of 1786, has never before been published. The original returns from the several towns in the state were lately accidentally discovered stowed away in a box in the attic of the state house, with other old papers. They are of great value, not only as showing the number of inhabitants in 1786, but also as throwing light on the *status* of the colored population then in the state. The attention of readers is invited to a note by the editor in Vol. IX, "Town Papers" N. H., pp. 896–898, in which the editor expresses his opinion that "slavery in New Hampshire was virtually and in effect abolished" by the adoption of the constitution in 1784, and particularly by the *first* and *second* articles of the Bill of Rights. In this opinion he is confirmed by this census of 1786. Readers will please take notice, that, according to the census of 1767, the number of "slaves" in the province was 633; the number returned in 1773 was 674; the number in 1775, of "negroes and slaves for life," was 657.* But it is noticeable that in the resolution and order for this census of 1786, by the General Assembly of the state, two years after the adoption of the new constitution, not a word is said about "slaves for life." Slavery itself seems to be ignored. The general term, "bound to servitude for a term of years," would include indented apprentices as well as any others. The form of the resolution ordering the census to be taken seems to be of doubtful meaning. It is therefore not surprising that the returns made by the selectmen or assessors of the several towns have no uniformity. They seemed not to know what was meant by "those bound to servitude for a term of years," or what "other persons not comprehended in the foregoing description" were included. The curious reader will find entertainment in carefully examining the returns.

The following is the exact form of the order for the census:

* See Prov. Pap. N. H., Vol. VII, pp. 168–170, and Coll. N. H. Hist. Soc., Vol. I, pp. 231–235.

STATE OF NEW HAMPSHIRE,

In the House of Representatives,

March 3d, 1786.

RESOLVED, That the selectmen of the several towns, districts and parishes within this State, be and hereby are required to make a return of all the inhabitants within their respective districts to the secretary of this State, on or before the second Wednesday of June next, viz. the whole number of white and other free citizens inhabitants of every age, sex and condition, including those bound to servitude for a term of years; and also in a seperate column, or class, all other persons not comprehended in the foregoing description, except indians not paying taxes.

Resolved, That the selectmen of any town, district or parish, who shall neglect their duty herein, shall forfeit and pay to the treasurer of this State, for the use of said State, the sum of FIVE POUNDS.

Sent up for Concurrrence,

CHRISTOPHER TOPPAN, *Speaker*, P. T.

In Senate, *the same day read and* Concurred,

JOHN LANGDON, *President.*

A true copy,

Attest, Joseph Pearson, *Deputy Sec'ry.*

CENSUS OF 1786.

[Returns by counties in alphabetical order, printed according to original returns.—Ed.]

COUNTY OF ROCKINGHAM.

ALLENSTOWN.

Sum of all the inhabitants of Allenstown is 175 Souls. This is a true account taken by us.

SAMUEL WEBSTER } Select
JAMES BUNTEN } men

ATKINSON.

State of New Hampshire } Agreeable to a resolve of the
Rockingham, SS. } General Assembly of s[d] State, pased the third day of March A D 1786, we the subscribers Selectmen for the town of Atkinson, have taken the whole number of white and other free citizens, inhabitants of every age, sex and condition including those bound to servitude for a term of years, and find the number to be five Hundred in s[d] town.

No. 500.

Atkinson, May 24[th] 1786.

PETER CLEMENT } Select men
HUMPHREY NOYES, Jun. } for
ELIPHELET KNIGHT } Atkinson.

CANDIA.

Agreble to a Resolve of the General Court we have taken an invoys of the inhabitants of the parish of Candia, and their is 959 free citesons, 206 of which are Rateable polls, and also 23 which are not free citesons.

Candia, May the 29, 1786

EPHRAIM EATON } Select men
JOHN CLIFFORD } for
SAM[ll] MERRILL } Candia.

CANTERBURY.

A Return of the Number of Inhabitants of Canterbury of every age & Sex taken April first 1786, viz.

No. of Inhabitants	857
No. of Slaves	3

DAVID FORSTER, } Selectmen for
OBADIAH MOONEY } Canterbury.

CHESTER.

In compliance to the Resolve of the General Court, March y^e 3^d, 1786, We have taken the number of Inhabitants in the town of Chester, which N^o is 1757 of whites—two Slaves. Totle 1759.

Chester, June y^e 1^st, 1786.

ROB^t WILSON, BENJ^a LONG, STEPHEN DEARBORN } Selectmen of Chester.

CONCORD.

State of New Hampshire } Concord, April 18th, 1786.
Rockingham SS. } Pursuant to the within order we have taken the number of free citizens within the Town of Concord, and find the same to amount to one thousand three hundred and ninety seven. Other persons not comprehended in the above, five.

1397	TIM^o WALKER, THOS. STICKNEY } Select Men of Concord.
5	
1402	

DEERFIELD.

Deerfield, June 6, 1786.

To the Secretary of the State of New Hampshire; agree-

abel to a presept sent to us for numbering the people we have proseded to number them..

men twenty one and upward	230
males under twenty one	410
phemales eighteen and upward	310
phemales under eighteen	333
	1283

MOSES BARNARD } Select
DANIEL CURRIER } men

EAST KINGSTON.

East Kingstown, Sep[t] the 19[th] day, 1786.

We the subscribers have taken the Number of the Inhabitants of East Kingstown according to a Resolve of the General Court passed March last, and they are four Hundred & Twenty.

420 ELIP[t] WEBSTER } Selectmen of
RICHARD FRENCH } East Kingstown.

EPPING.

State of New Hampshire
Rockingham SS.

To the Secretary of said State:

An account of the number of Inhabitants, Dwelling-houses, Barns, and acers of land in Epping, viz: Of white Inhabitants 1340, of Blacks, 7, Dwelling-hoses 181, Barns 188, and also the number of acers of Land 12886 acers.

Done in compliance with the order of Court, to the best of our Judgment.

June 5[th], 1786.

SETH FOGG } Selectmen
DAVID LAWRENCE Jr. } of Epping.

[Sworn to before Abraham Perkins,
Just. of peace.]

EXETER.

Agreeably to the within Resolve the Number in the Town of Exeter amount to 1592.

Exeter, May 31st, 1786.

TRUEWORTHY GILMAN
EPHm ROBINSON
GIDEON LAMSON
ELIPt LADD
JOSEPH CRAM
} Selectmen.

GREENLAND.

Sr. Pursuant to a Resolve of the General Court of the 3d of March last, we have numbered the Inhabitants of Greenland of every Age, Sex and Condition, and of whom there are Six hundred & fifty five free Citizens and seven Slaves for life.

Greenland, June 5th, 1786.

GEORGE BRACKETT } Selectmen of
JOSHUA WEEKS } Greenland

HAMPTON.

State of New Hampshire }
Rockingham, SS. }

Pursuant to the order of the Late General Court to Number the Inhabitants of the Town of Hampton, We the subscribers have taken said Number, and they are as follows, viz. 866 Whites & 1 Black.

Hampton, April 1st 1786.

DANIEL PHILBRICK
JOSEPH DOW
COTTON WARD
SIMON NUDD
PHILIP TOWLE
} Selectmen of Hampton.

HAMPTON FALLS.

State of New Hampshire
Rockingham, SS.

Pursuant to an Resolve of the General Assembly of said State for taking the whole Number of the Inhabitants therein: Agreeable thereto, we the Subscribers have taken the whole of all the Inhabitants in Hampton falls in the County of Rockingham aforesaid, and they amount in the whole to five Hundred and Sixty Nine.

Dated at Hampton-falls
May the 12th A D 1786

569 — Nath[l] Hub[d] Dodge, Sam[l] Weare, Peter Tilton — Select Men of Hampton-falls.

HAWKE—now Danville.

State of New Hamp[r] Rockingham, SS. In submition to a Resolve of the General assembly of said State passed the 3[rd] of March A D. 1786, The following is a Return of the Number of white and other free Sitisens Inhabitants of Hawke of every age, sex & condition Including those bound to servitude for a Term of years—which is in the whole, three Hundred and one.....301
Such as were to be taken in a Seperate colum we find none.

Attest— Tho[s] Page, Hezekiah Blake, Israel Dimond — Selectmen for Hawke

Dated at Hawke the 1st day of April, 1786.

To the Secretary of said State.

KENSINGTON.

State of New Hampshire
Rockingham SS. Pursuant to a Resolve, We the Subscribers have made out an acco[t] of All the Inhabitants of every age sex and Condition Including those Bound

to servitude for a term of years. Also all others not comprehended in the foregoing Descriptions.

798 No. of Inhabitants
0 No. of Slaves.

April 1786. PHILEMON BLAKE, JEREMIAH FELLOWS, jun, ENOCH WORTHEN } Selectmen of Kensington.

LOUDON.

Loudon May 24th 1786.

The whole Number of the People in the Parish of Loudon is 822. No Blacks to be numbered.

Attest— JOHN SANBORN, JOSEPH SMITH, JAMES THOMPSON } Selectmen for Loudon.

NEWINGTON.

State of New Hampshire } We, the subscribers have com-
Rockingham, SS. } plied with the [Resolve of the General Court] viz. The Number of Inhabitants consisting of Whites 456, the Number of Blacks consisting of 20.

HATEVIL NUTTER, RICHd PICKERING } Selectmen

Newington, June 3, 1786.

NEWMARKET.

Number of Inhabitants in the town of Newmarket in the County of Rockingham—

Whites	1172
Slaves	2
total	1174

Taken at the Request of the Honbl General Court by

SAMl GILMAN, ICHABOD HILTON, ELIPHALET SMITH } Selectmen

Newmarket 1st May 1786.

NEWTOWN.

Pursuant to orders from the honable Corte, we have Numberd all the inhabents of this town, the whole Number of white and other free citizens amounts to the Number of three hundred and forty three.

[343]

ROBERT STUART
MARK WHITTIER
ABRAHAM KINNE
} Selectmen of Newtown.

Newtown, June 3, 1786.

NORTHFIELD.

Northfield, April the 11th ye: 1786. This is to sartify agreeable to an act Past March the 3: ye: 1786, a trew a Count of all the males poles is 75 and the number of the woman & children is 274.

[75
274
349]

WILLIAM A PERKIN
WILLIAM FOREST
THOMAS CROSS
} Selectmen

NORTHWOOD.

A True Number of the Inhabitents of Northwood
In the manner as follows, viz.

No. of males above 50	No. from 16 to 50 males	No. of males under 16	No. of the female	
is 15	is 122	is 140	is 298.	Sum total 575.

Given under ouer hands at Northwood, the 18th day of April anno Domini 1786.

SHERBUN BLAKE
SAM[L] JOHNSON
HENRY BATCHELDER
} Selectmen of Northwood.

NORTH HAMPTON.

North Hampton, June y^e 6^th^ 1786.

The whole number of white and other free citizens, Inhabitants of every Age, Sex and Condition, including those bound to servitude for a term of Years in this Parish are Six Hundreds and fifty Nine.

659 STEPHEN PAGE, TRISTRAM RODMAN } Selectmen.

NOTTINGHAM.

State of New Hampshire } Nottingham, June 1^st^ 1786
Rockingham SS } The following is a True Return of the Inhabitants within the Town of Nottingham in said County of Rockingham, viz.

White Inhabitants one Thousand fifteen
Negroes eleven.

Attest. THO^s^ BARTLETT, STOTEN TUTTLE, NATH^el^ GOODHUE } Selectmen

[1015
11]

PELHAM.

Pelham May 27^th^ 1786.

The following is a True List of the Number of Inhabitants of the Town of Pelham.

Number of mals	205
Do. of femals	206
Do. of children	464
Total	875

DANIEL RICHARDSON, JAMES FERGUSON } Select men for Pelham.

PEMBROKE.

Pembroke, June 20th, 1786.

A Return of the Number of the Inhabitants of Pembroke ef every age and sex which was carefully Taken by us the Subscribers viz. Nine hundred and Ninety one whites, also three Blaks which is the true and whole Number of all ages sex and condition.

STEPHEN BARTLETT } Selectmen.
JAMES MAN }

991
3

Total, 994 To the Secy of the State of New Hampshire.

PITTSFIELD.

Pittsfield June 5th day 1786.

State of New Hampshire } Persuant to a late Act of the
Rockingham, SS. } General Court and Senit of said State to make a Return of the Number of the inhabitants of each Town Parish and Destrict in said State by the Selectmen of each Town, Parish and District agreable to said Act We have Numbered the inhabitance of Pittsfield and we find there is five hundred and ninety eight in every Rank and Denomanation of inhabitens in the whole. 598.

WILLIAM CHASE } Selectmen of
JOSHUA BERRY } Pittsfield.

PLASTOW.

State of New Hampshire } In obediance to an order of
Rockingham, SS. } the Genl Cort passed March 1786 We the subserbers Have carefully Numbered the Soles within the Town of Plastow and finde the whole Number to be 551.

JOS SMITH } Selectmen
JNO AYER } For
AMOS SAWYER } Plastow.

Dated att Plastow, April ye 11; 1786.

POPLIN—now Fremont.

Persuant to a Resolve of the House of Representatives March 3d 1786. We the subscribers Selectmen of Poplin for the time being have tak the whole Number of the Inhabitans of Poplin aforesaid and we find them to be 500.

NATHAN BROWN } Selectmen of
ELISHA HOOK } Poplin.

Dated Poplin June ye 5th 1786.

PORTSMOUTH.

Agreeably to a Resolve of the General Court of 3d March 1786, requiring the number of "Inhabitants of every age sex and condition to be returned by the Selectmen of the several Town's districts & parishes within this State"—We have caused an exact list of Whites and Blacks within this Town to be taken, and are as follows, viz.

Whites 4133	PETER COUES	
Blacks 89	JOHN SPARHAWK	Selectmen
	WM. GARDNER	
Total, 4222		

Portsmouth, New Hampr, May 18th, 1786.

RAYMOND.

The Return of all the Rateable polls and all other Inhabitants of every age and sex within the Parish of Raymond for the year 1786.

Number of Polls Paying Taxes,	145
Number of all other inhabitants,	589
Number of all other people not Inhabitants,	52=786.

A True Return Attested by

NATH[L] DUDLEY } Selectmen of
May the 29th, 1786. DAVID NORRIS } Raymond.

RYE.

Rye, the 2[d] of June, 1786

Agreeable to the within Resolve the following is a Return of the Inhabitants of the Parish of Rye.

Number of white and other free citizens, &c.	Other persons not comprehended in the other description
653	2

NATHAN GOSS
NEH[h] MOULTON } Selectmen
JOHN WEBSTER

SALEM.

State of New Hampshire
Rockingham, SS.

Agreeable to an order Received from this Honor[bl] House of Representatives for the purpose of taking the Number of Inhabitants, we have Proceeded and Find the White Males to be five hundred thirty and one = 531.
White females five hundred forty & four, 544 = 1075
Male Slaves 3
Female Slaves 4 = 7.

Attest. WM. THOM, JAMES WEBSTER, RICHARD KIMBALL } Selectmen for Salem

To the Hon[bl] Joseph Pearson, Deputy Sec[ry].

SANDOWN.

The whole Number of Inhabitants that belongs to the Parish of Sandown, are five hundred & twenty one—521.

WILLIAM ROWELL
EZRA FRENCH } Selectmen for Sandown
JONATHAN CLOUGH

Sandown, June 2[d], 1786.

SEABROOK.

To the Honor Josep Pearson: Sor—We the subscribers Select men of Seabrook have Numbered all the inhabitance of every Age Sex and Condition including the whol belonging to this Parish of Seabrook according to orders and so forth and the whol Number is 668.

WINTHROP GOVE
ROBART COLLINS
JONATHAN LEAVITT
} Selectmen

Seabrook June the 5th, 1786.

SOUTH HAMPTON.

South Hampton, June 30th, 1786.

State of New Hampsr.

Agreeable to a Resolve of the General Court passed March last we the Subscribers have taken the Number of the Inhabitants of said Town agreeable to said Resolve,

Which are as followeth: Whites 450
Blacks 002

RICHARD SAWYER
BENJAM: BARNARD
} Selectmen.

STRATHAM.

To Joseph Pearson, Esq. D. Secry.

Agrable to a Resolve of the General Court passd March 3rd 1786 we the subscribers Selectmen of Stratham have numbred the people in said Town of Stratham, find their to be Eight Hundred and ninety-four Whites and thirteen Blacks in said Town.

Stratham, May 24, 1786.

ANDREW WIGGIN JR.
NICH. ROWLINGS
STEPHEN PIPER
} Selectmen of Stratham.

WINDHAM.

According to a Resolve of the Genaral Assembly We have made a Return of the whole Number of Whites and other free Citizens inhabitants of Windham, (viz.) 583

Whites and 9 Blacks Liveing with there Respective Masters.

SAM[l] MORISON
BENJ[a] THOM } Selectmen.
Windham, June y[e] 2[day] 1786 JA[s] DAVIDSON

[Summary of returns from Rockingham county, by the Editor.]

Towns.	Whole Number.	Called Slaves.	Other persons.
Allenstown,	175		
Atkinson,	500		
Candia,	959		23 "not free citizens."
Canterbury,	857	3	
Chester,	1,757	2	
Concord,	1,397		5 "other persons."
Deerfield,	1,283		
East Kingston,	420		
Epping,	1,340		7 blacks.
Exeter,	1,592		
Greenland,	655	7	
Hampton,	866		1 black.
Hampton Falls.	569		
Hawke (Danville).	301		
Kensington,	798		[bered."
Loudon,	822		"No blacks to be num-
Newington,	456		20 blacks.
New Market,	1,172	2	
Newtown,	343		
Northfield,	349		
Northwood,	575		
North Hampton,	659		
Nottingham,	1,015		11 negroes.
Pelham,	875		
Pembroke,	991		3 blacks.
Pittsfield,	598		
Plaistow,	551		
Poplin,	500		
Portsmouth—"whites,"	4,133		89 blacks.
Raymond,	786		
Rye,	653		2 other persons.
Salem,	1,075	7	
Sandown,	521		
Seabrook,	668		
South Hampton,	450		2 blacks.
Stratham—"whites,"	894		13 blacks. [masters.
Windham,	583		9 blacks living with their
Total,	48,431	21	185

COUNTY OF STRAFFORD, 1786.

BARNSTEAD.

To the Secretary of the State of New Hampshire:

The Return of the Inhabitents of Barnstead all the whits of every age and sex 568
Negros Slave 1

Taken in the month of April, 1786.
By the Selectmen of Barnstead

CHARLES HODGDON
SAMUEL NELSON
EBENEZER ADAMS
} Selectmen.

BARRINGTON.

Sir—Agreable to Orders From the General Court we have Taken the Number of the Inhabitants of the Town of Barrington in the following order, viz.

Men above 60 = 45 heads
from 16 to 60 years = 430 Do Women and Girls
Boys under 16 years 500 Do Whole N^o^ is 990

[1965] 975

Given under our hands at Barrington aforesaid the first Day of June 1786.

PETER YOUNG
GEORGE WATERHOUS
LLJP^t^ CLOUTMAN
} Selectmen

BURTON.

Burten, Juen 16^th^ 1786

then numbered the Inhebence and free holdens of Burten and found the hole number to be 74

Sind

HENERY ALLARD
EZEKIEL GILMAN
ORLANDO WEED jr
} Select men.

DOVER.

Persuent to an act of the general Court passed March y^e^ 3^d^ 1786 we the Subscribers have numbred the people And find of Males ratable 337
Married women 232
Boys under age 408
Girls under age 450
Negros Slaves 4
Sum total 1427.

The above is the true number of inhabitents of the Town of Dover taken by us the subscribers.

JOHN WALDRON
JOHN TUTTLE ? } Select men.
ANDREW YORR

Dover May y^e^ 26^th^ 1786

DURHAM.

An Inventory of all the Inhabitants of every age sex and denomination in the Town of Durham taken April 1786 in pursuance of a Resolve of the Gen^l^ Court passed March 3^d^ 1786.

Inhabitants Slaves excepted, 1230
Slaves 3

We the subscribers certify that the above is a true Inventory.

JOHN GRIFFEN } Selectmen
EBEN^r^ SMITH

EATON.

Eaton, Aperiell 29: 1786. this is to Sartefia that the Peopell of sayd town Have Ben carfeley numbered* & the number Amountes In the Hole to 138 soles
Test By

JAMES JACKSON } Select
HENEWERY WOODS } men

EFFINGHAM.

Number of Persons in the Town of Effingham Taken in April in the year 1786.

	No.
Number of men from Twenty one years old and upwards	28
Number of women from Twenty one years old and upwards	24
Number of young men from fourteen to twenty one years	7
Number of young women from fourteen to twenty one years	7
Number of children under the age of fourteen years	54=120

One aged gentleman aged seventy five years under Town charge 1
One Negro girl under fourteen Cripel 1

WEARE DRAKE
NATHANIEL HOBBS } Select men
JOHN COSTELLOE

Effingham, May 1, 1786.

GILMANTON.

Gilmantown May 30th ye 1786.

Agreeable to the within Resolve we have Numbered the Inhabitants of said town and are as follows, viz—

1636 Whites
3 Blacks

JOSEPH BADGER jun
JOHN SHEPARD } Selectmen of Gilmantown.
JOSEPH YOUNG

LEE.

Pursuant to a Resolve of the General Assembly passed March ye 3d 1786, we the subscribers have taken the Number of the Inhabitants of the Town of Lee & find they amount to Nine hundred and fifty-six.

No. 956

SAMUEL EMERSON
JAMES BRACKETT } Selectmen of Lee.
JOSEPH CHESLE

Lee, ye 27th May 1786.

MADBURY.

We the subscribers Selectmen of the parish of Madbury do hereby certify that the whole number of white and other free citizens of every age sex and condition in said parish of Madbury amounts to five hundred & eighty five & that none of any other Description belongs to said parish.

Madbury, June 1st, 1786.
[585]

JOHN WINGATE
EBENr DEMERIT
TIMOTHY YOUNG
} Select men

MEREDITH.

To the Honourable General Court of the State of New Hampshire

The Number of the People in the Town of Meredith—572.

Meredith ye 12th 1786

EBENEZER SMITH
WILLIAM DAVIS
JOHN GILMAN
} Selectmen

MOULTONBOROUGH.

Persunt to an Act of the Genl Court Passed March 3d 1786 requesting the town of Moultonborough to Number the Inhabitents we the subscribers in obdienc to said Act have Numbred all the Inhabitents found there to be four hundred. [400.]

April 13th 1786.

ELIAS SMITH
JOSEPH RICHARDSON
} Selectmen.

NEW DURHAM GORE.

I the subscriber being appointed at the Annual Town meeting in New Durham Gore to take an Inventory of the number of Inhabitants of sd Gore—which number is Two Hundred Forty & Twoe of every age sex & Denomination.

Taken by order of the General Court pased March 3d 1786.

No 242

JOSEPH ROBERTS.

ROCHESTER.

State of New Hampshire: Pursuant to a Resolve of the House of Representatives, the 3d March 1786, We By the appointment of the Selectmen For the Town of Rochester, Have Numbered the Inhabitants of the Town, and find their To Be 2453 Free Citizens as Taken By us. alsow 3 Negroes.

JAMES ADAMS
Rochester June 5th, 1786. DANIEL WINGATE, jun.

State New Hampshire }
Strafford, SS. } Rochester, June 5th, 1786. The above named James Adams & Daniel Wingate apered & made solomn Oath to the above Return By them subscribed & Presented before me,

JAMES KNOWLES, Just of Peace

SANBORNTON.

Sandbornton, June ye 6th, 1786.

Pursuant to a vote of the General Court requiring a return of the number of Inhabitants in ye respective Towns within this State, we have numbered the Inhabitants of Sandbornton & find there are one thousand one hundred & seven white Inhabitants free citizens of the State, comprehending every age, sex and condition. [1107]

JOHN SANBORN, in behalf
of the Selectmen.

SANDWICH.

State of New Hampshire } Agreable to the Requirement
Strafford, SS. } of the General Court passd March third 1786 we the selectmen of Sandwich have taken the true and full Number of the Inhabertants of Sandwich of every age Sex and Condition, which is Six hundred fifty three free Inhabatance. 653

J. GILMAN } Select
THOMAS COLBY } men

Sandwich, June ye 6th, 1786.

TAMWORTH.

Tamworth 29th May 1786.

agreeable to a Resolve of the general assembley passed the thurd day of March last Past we have taken the Number of the Inhabitants of this town and find them to be 287 free Inhabitants & one Slave.

DAVID GILMAN
STEPHEN MASON } Selectmen.
TIMOTHY MEDAR

To the Secretary of the State of New Hampshire.

WAKEFIELD.

The Number of free Inhabitants in the Town of Wakefield taken agreeably to the order of the Genl Court by the Select Men of sd Town in May 1786, is—505.

Attest AVERY HALL
JACOB WIGGIN } Select Men.

[Summary of the County of Strafford.]

Towns.	Whole Number.	Slaves.	"Other persons."
Barnstead,	568	1	
Barrington,	990		
Burton,	74		
Dover,	1427	4	
Durham,	1230	3	
Eaton,	138		
Effingham,	54		1 negro girl—"cripel." 1 aged gentleman—town charge.
Gilmanton,	1636		3 blacks.
Lee,	956		
Madbury,	585		
Meredith,	572		
Moultonborough,	400		
New Durham,	242		
Rochester,	2453		3 negroes.
Sanbornton,	1107		
Sandwich,	653		
Tamworth,	287	1	
Wakefield,	505		
Total,	13,877	9	8

COUNTY OF HILLSBOROUGH.

ACWORTH.

Number of white and other free citizens agreable to a Resolve of this State pased March y^e^ 3—1786

No. 482 white
No. 1 black

Supposed to be from Acworth

Rec^d^ 22 June

John Duncan
Thomas Slader
Amos Kives
} Sellect men.

ALSTEAD.

Agreeable to a Resolve of the Gen^l^ Court of Newhampsh^r^ Passed March 3^rd^ 1786 for taking the Number of Souls in the several Towns Within this State we have Numbered them in this Town & find there is 943 Encluding all of every age & sex.

Moses Hale
Tim^o^ Fletcher
Nath^l^ Stone
Nath^a^ Cooper
} Select men of Alstead.

To the Hon^bl^ the Secretary of the State of Newhampshire.

AMHERST.

The Hon^bl^ the Secretary of the State of New Hampshire, in the inclos^d^ are the Number of the Inhabitents of the Town of Amherst, taken agreeable to the late requisition of the hon^bl^ Gen^l^ Assembly of said State—Containing in the whole Nineteen Hundred and twelve Inhabitents.

Amherst, May y^e^ 29^th^ 1786.

[1912]

Sam^l^ Wilkins
Eli Wilkins
Tho^s^ Wakefield
Joshua Lovejoy
} Selectmen.

ANDOVER.

Andover June 12th 1786 the whole number of the Inhabitants of the Town of Andover in the County of Hillsborough and State of New hampshire is.....410

JONa WEARE
PAUL SCHARSTON?
JOSEPH PHILBRICK
} Selectmen of Andover

To the Secretary of sd State.

ANTRIM.

A Return of the Number of Souls in the town of Antrim County of Hilsborough taken in April last and found to be two hundred and Eighty nine pr us

289 Souls.

ISAAC COCHRAN
JONATHAN NESMITH
DANIEL NICHOLS
} Selectmen

Antrim June 5th 1786.

BEDFORD.

State of New Hampshire: Pursuant to a Resolve of the General Court of this State Pass'd March 3d 1786, We the subscribers, selectmen of Bedford have numbered all the Inhabitants of said Bedford as Required by said Resolve and find the Number of all the free Inhabitants of every age Sex & Condition to be 778. Also 7 of the other class.

JOSIAH GILLIS
STEPHEN DOLE
} Selectmen

Bedford, June 2nd 1786.

BOSCAWEN.

Agreeable to the within Resolve we have taken the whole Number of Inhabitants in the Town of Boscawen of every

age sex and condition as therein Express[d] and find them to contain eight hundred and twenty seven.

Erors excepted.....827.

GEORGE JACKMAN
BENJ[a] SWEAT Jun. } Selectmen
BENJ[a] JACKMAN

Boscawen, April 15, 1786.

CHARLESTOWN.

Females married	Married men from 16 to 60	Unmarried men from 16 to 60	boys 16 and under	Men 60 years and upwards	females unmarried	Widows	Whole No. males	Whole No. females	Whole No. of white Inhabitants	Male Negroes	female Negroes
177	141	101	247	18	293	11	507	461	968	2	2

The above is a true return of the Inhabitants of Charlestown taken in April 1786 agreeable to a resolve of the General Assembly for that purpose.

Attest WM. HEYWOOD } Selectmen of
SIMON SARTWELL } Charlestown

CHESTERFIELD.

To the Secretary of the State of Newhamshire—In obedence to the precept we received from the honorable Cort we have Numbered the inhabitance of the town of Chesterfield and find the sum total to be 1535

MARTIN WARNER } Selectmen
WILLIAM HILDRETH } for
EZRA DAY } Chesterfield

Chesterfield June 2, 1786.

CORNISH.

Cornish, May 20th 1786

Sr—the following is an Exact number of the Inhabitants of the town of Cornish, (Viz) Males 312 Females 293

[605.] Wm. Ripley, Ichabod Smith, J. Horn? } Selectmen.

To E. Thompson, Secretary to the State of N. Hampshire

DERRYFIELD.

Return of the Inhabitants of the Town of Derryfield, viz. The whole Number of white and other free Citizens inhabitants of every age sex and condition Including those bound to servitude for a term of years Number Being three hundred & thirty eight.

No. 338. Joseph Farmer, John Goffe, Isaac Huse } Selectmen

Witness our Hands
May 1st day, 1786.

DUNBARTON.

Hillsborough SS. } April ye 10 1786. According
State of New Hampshire } to order to the town of Dunbarton, by a Resolve of the General Court that the People of this State shall be numbred, We the Subscribers Selectmen for sd Dunbarton have numbred said People according to sd order and find the number to be 741.

Jereh Page, Daniel Story, Ebenr Hacket } Selectmen for Dunbarton

Recd 15 June 1786.

DUNSTABLE.

State of New Hampshire
In obedience to a Resolve of the General Court of said

State Passed March y^e 3^d 1786—We the subscribers have taken a true accompt of the Number of the Inhabitants of the Town of Dunstable of every age and sex.

The number of Whites are as followeth (viz) five hundred fifty and four. Other sex's none.

[554]

Dunstable April y^e 6^th 1786

JACOB ADAMS
DAVID ALLD } Selectmen
JOEL LUND

DUXBURY and Mile-Slip.

May y^e 29^th 1786.

Pursuant to orders—We have Numbered the Inhabitants of this District and Find the Number to be 140.

JACOB FLYNN
JAMES BADGER } Selectmen.
BEN^n LEWIS

FISHERSFIELD—now Newbury.

A Return of all the Inhabitance of Fishersfield agreable to a Resolve of the House of Representatives March 3^d 1786 N° of White and other Inhabitance of every age, Sex and Condition that are Free Citizens—217. N° of Inhabitance not Inclued In the foregoing

WILLIAM DODGE
THOMAS (?) WILLIAMS } Select Men.
WILLIAM GUNNISON

GOFFSTOWN.

June 5^th 1786. The Number of the White Sittisons in the town of Goffstown is as followeth—one thousand forty eight. And the Blacks is fifteen in number. 1048 Whites.
15 Blacks

JOB DOW
JOHN BUTTERFIELD } Selectmen.

HANCOCK.

Hancock April 1786.

Agreeable to a Requision of the Gen[l] Court the Number of the Souls in s[d] Hancock taken by the Selectmen amounts to 291. Pr

JOSEPH DODGE
EDMUND DAVIS } Selectmen
SETH HADLEY

HENNIKER.

In obedience to A Precept Directed to us from the General Assembly of this State to Number the People of this town we have attended thereto and find the Number to be 858 free sitisens Besides 4 Black servants.

AARON ADAMS
JAMES BOWMAN } Selectmen
DAVID CAMPELL

Henniker 17[th] of June 1786.
Rec[d] June 22[d].

HOLLIS.

Pursuant to the Requisitions of the Gen[l] Court of the 3[d] of March last past to us directed &c. We have carefully sought the Number of souls within the Town of Holles and find them to be 1421 No. of Negro Slaves 2.

True account taken by us, June 4[th] 1786

WM. CUMINGS } Selectmen
JEEREMIAH AMES } of Holles.

Hon[bl] E Thompson Esq Sec[y]

HOPKINTON.

State of New Hampshire } Agreeable to the order of the
Hillsborough, SS. } General Court of March 3[d], 1786

We have Numbered the Inhabitance of Hopkinton and find 1536 White free citizens, and one other person.

Hopkinton, June 6th 1786.

AARON GREELEY
JOSHUA MORSE } Selectmen
STEPHEN HOYT

MASON.

State of New Hampshire.

A True Return of the Number of Inhabitants in the Town of Mason;—the whole Number of whites and other Free Citizens Inhabitants of Every age, Sex and Condition, Including those mentioned in a Resolve of this Pass'd March ye 3d, 1786, is 866 Number of Inhabitants.

BENJAMIN MANN
JOTHAM WEBBER } Selectmen.

Mason, April ye 10th, 1786.

MERRIMACK.

State of New Hampshire } Merrimack June 5th 1786.
Hillsborough, SS. }

in obedience to the within Resolve we the subscribers have numbered the Inhabitants of said Town and find the number to be 692 Whight Inhabitants
& 9 Blacks.

SIMEON CUMINGS } Selectmen
JACOB MCGAW } of
EBENr PARKER } Merrimac.

NEW BRADFORD.

Bradford, June ye 7: 1786.

A Return of the Nomber of Soles in New Bradford so

called, State of New Hampshire, County of Hilsburrow the Holle Nomber one Hundred and Twenty Eight of white.

128 — James Pra? / Enoch Hoyt / Issac Davis } Selkmen of New Bradford.

To the Secretary of this State.

NEW IPSWICH.

To the Honorable the Secretary of the State of New Hampshire

Agreeable to a resolve of the Gen[l] Court of this State passed March 3[d] 1786, We have numbered the inhabitants of New Ipswich & found the number of the free citizens to be one thousand and forty and nine. Negros two

New Ipswich
30[th] May, 1786.

Isaac Appleton
Wm. Shattuck } Selectmen
Eph[m] Adams, jr.

NEW LONDON.

The Nomber of the inhabentance of New London, in the year 1786 are as folows

males twenty one years of age and upord	46
males under twenty one years of age	66
feemales Eaighteen years of age and upord	46
feemales under Eaighteen years of age	61
totel	219

The above is a true acount as witnes our hands.

Levi Harvey
John Adams } Selectmen for New London.
John Morgan

New London, June 5[th], 1786.

NOTTINGHAM WEST.

In Obedience to the Resolve of the General Court of y^e^ 3^rd^ of March 1786, For Numbering y^e^ inhabitents We have Numbre^d^ y^e^ Souls of ye Town of Nottingham West and finde —1010 souls.

ASA DAVIS
JN^o^ HASELTINE jr } Selectmen
ISAAC MERRIL

Nottingham West
May y^e^ 24^th^, 1786.

PETERBOROUGH-SLIP.

State of Newhamp^r^ } In obediance to the precept We
Hillsborough SS. } Rec^d^ we have Numbered the Inhabitants of Peterbor^o^ Slip and every famualy Stand here on this paper and the sum Total of the whole is 175 soles, and None in town Bound to Servitude.

SAM^l^ GRAGG
JAMES MCNEE } Selectmen.
SAM^l^ MILLIKEN

Peterborough Slip, April y^e^ 18, 1786.

Number of famulys

W. hosmor	7	Walter Ames	1
S. Gragg,	9	David Ames	1
J. henecy	3	And^w^ Conn	4
Sam^l^ Milliken	2	Jam^s^ Milliken	10
Reub^n^ Law	6	Lt. McAllaster	4
Mr. Attwood	5	John Taggart	2
Abijah Spafford	5	Wm. Taggart	4
And^w^ Law	5	Josiah Sawyer	3
N. Boynton	4	James McNee	10
G. McCoy	6	Joseph Barnes	4
J. Swan	9	Jos^h^ Barnes jun	1
Sam^l^ Clark	1	John Chamberlain	7
Cap^t^ Taggart	11	Joseph Miller	6
David Moor	7	Joel Adams	6
James Moor	4	Abraham Amsdon	7
Jaremiah And^ws^	3	Benjam Becon	6
Reuben Cummings	7	Aaron Colman	6
		Total	175

175 Soles in Peterborough Slip.

PETERBOROUGH.

To the Secratary of the State of Newhamp^{r}.

Acording to the order of the General Court We have Numbred all the free inhabitant of the Town of Peterborough and we find the Whites to be 824. Blacks—7—Slaves During Life.

ALEXANDER ROBBE
NATH^{l} EVENS
THOMAS STEELE
WILLIAM ROBBE jun

RABY.

Pursuant to the Requisition of the Gen^{l} Court of the 3^{d} of March last past We have carefully sought the Number of souls within the Town of Raby & find them to be 262 having no Indians nor Negro Slaves.

Raby June—1786.
True Return Pr.

R. MCDONELL
ROB^{t} SEVER
JAMES CAMP^{bl}
} Selectmen of Raby.

Hon^{l} E. Thompson, Esq^{r} Sec^{y}.

SALISBURY.

June 1st, 1786.

In obedience to the Request of the General Court of the State of New Hampshire, we the subscribers have taken the Number of Inhabitants of Salisbury in said State and find there to be one Thousand and Forty Five souls therein contained.

[1043] [Names appear to have been cut off.—ED.]

SOCIETY LAND.

May 26th, 1786.

To the Secretary of the State of Newhampshire:

S^{r}. It was Desired that we the Select men of Society

should take an Exact account of the Inhabitants of s[d] Society & send the same to you which Being Done & the number amounting to one hundred & fifty seven persons of men Women & Children [157.]

Test — Alexander Parker, Isaac Butterfield } Selectmen of Society.

SUTTON.

State of New Hampshire } Hillsborough SS. } Prosuent to warrn[t] to us directed for to number all the Peopel in the Town of Sutton we have carefully Numbered all the persons in s[d] town which is three hundred and thirty Seven. [337]

Witness our hands — Caleb Kimball, Asa Nelson } Select men for Sutten.

[Note. Another return from Sutton, signed by Caleb Kimball, Daniel Meker, and Asa Nelson, makes the number 333.—Ed.]

TEMPLE.

State of New Hampshire } Hillsborough, SS. } Temple, June 5[th] 1786.

To the Hon[bl] Secretary of State.

In obedience to precept we have collected y[e] N° of souls, which are as follows: viz.

N° of males, above Twenty one years	127
Do. males under Twenty one	225
Do. Females above Twenty one	135
Do. Females under Twenty one	214
Total	701

Sam[l] Howard, Caleb Maynard, Archelaus Cummings } Select men of Temple.

WEARE.

State of New Hampshire }
Hillsborough, SS. } Pursuant to a Note of the General Court of said State—

We the subcribers have taken the Number of the People in Weare to the amount of fifteen Hundred & seventy four. [1574.]

Dated at Weare June 2d 1787.

JOHN ROBIE
TIMOTHY WORTHLY } Selectmen
ITHAMAR EATON

WILTON.

To the Honbl Ebenezer Thompson Esqr Secretary for the State of New Hampshire—Agreable to Directions received, we have taken the Number of the Inhabitants of the Town of Wilton, the amount of which is 1001 White
and 5 Black

WILLIAM ABBOT jr } Selectmen
JONATHAN BURTON } of Wilton.

Wilton, May 1st 1786.

[Summary for Hillsborough County.—Ed.]

Towns.	Whole Number.	Called Slaves.	Other persons.
Acworth,	482		1 black.
Alstead,	943		
Amherst,	1,912		
Andover,	410		
Antrim,	289		
Bedford,	778		7 "of the other class."
Boscawen,	827		4 negroes.
Charlestown,	968		
Chesterfield,	1,535		
Cornish,	605		
Derryfield,	338		
Dunbarton,	741		
Dunstable,	554		"other sex's none."
Duxbury and Mile-Slip,	140		
Fishersfield (now Newbury)	217		
Goffstown,	1,048		15 blacks.
Hancock,	291		
Henniker,	858		4 "black servants."
Hollis,	1,421	2	
Hopkinton,	1,536		1 "other person."
Mason,	866		
Merrimack,	692		9 blacks.
New Bradford,	128		2 negroes.
New Ipswich,	1,049		
New London,	219		
Nottingham West,	1,010		[itude."
Peterborough-Slip,	175		"none bound to serv-
Peterborough,	824	7	
Raby,	262		
Salisbury,	1,045		
Society Land,	157		
Sutton,	337		
Temple,	701		
Weare,	1,574		
Wilton,	1,001		5 blacks.
Total,	25,933	9	48

COUNTY OF CHESHIRE.

CLAREMONT.

To the Secretary of the State of New Hampshire.

Whereas by a Resolve of the General Court of s[d] State of March 3[rd] 1786, Requiring the Selectmen of the several Towns within this State to make a Return of the Inhabitants of their several Towns by the second Wednesday of June next—Agreeable to s[d] Resolve the Inhabitants of Claremont as numbered are as follows—

Males	Females	Slaves.	Not inhabitants — Transient persons now residing in s[d] Town	
487	427	3	Males 23	Females 25.

CROYDON.

Sir—pursuant to orders from the General Court of this State we have taken Number of the Inhabitants of the Town of Croydon free citizens and are under written, viz.

Three hundred & Eighty one [381]

Croydon, May 22[d] 1786.

JOHN COOPER
EDWARD HALL } Selectmen
BENJAMIN POWERS

To the Secretary of the State
of New Hampshire.

DUBLIN.

May the 26[th], 1786.

In compliance to a Resolve of the General Assembly sent to us Respecting Numbering the Inhabitants &c.

Accordingly we have taken their Number amounting to No. 658.

Attest— REUBEN MORS, JOHN MUZZY, BENJAMIN LEARNED } Selectmen

To the Secretary of the State
of New Hampshire

FITZWILLIAM.

To the Secretary of State of New Hampshire:

In compliance to an Act of the General Court the Selectmen of the Town of Fitzwilliam Have Proceeded and have Taken the Number of All the Persons Liveing in said Town of Every Age And we find there to Be Eight Hundred and Seventy Persons All White People. [870.]

JOHN FASSETT, ABNER STONE, CALEB WINCH } Selectmen For Fitzwilliam

Fitzwilliam
April 20th, 1786.

GILSUM.

The Number of the souls that are in Gillsom are as folowes

females from 16 and under	113
females from 16 too 21	16
females from 21 and upward	72
males from 16 and under	78
males from 16 too 21	7
males from 21 and upward	78
	364

One Black.

JONATHAN ADAMS, TIMOTHY DIMMUCK, EBENEZER BILL } Selectmen

HINSDALE.

An Inventory of the Number of the Inhabitants of the Town of Hinsdale in the County of Cheshire & State of New Hampshire.

326 Number of all White & other Free cittizens, inhabitants of every age, sex and condition.

4 Number of Slaves.

Hinsdale May the 10th 1786.

Attest'd by CYRUS SHATTUCK } Selectmen for
MICAH ROCKWOOD } Hinsdale.

KEENE.

Pursuant to the within resolve We the subscribers have taken an account of the Inhabitants of the Town of Keene and find their number to be eleven hundred and twenty two. 1122. May 30th A. D. 1786.

The number of the Inhabitants on the East side of the river is 614—on the west side of the river there is 508=1122.

DANl KINGSBURY } Selectmen
JEREMIAH STILES } of Keene.

LEMPSTER.

State of Newhampshire.

Pursuant to an order of the General Court of this State, dated March ye 3d 1786, we the subscribers have Numbered all the inhabitants of the Town of Lemster and the whole number amounts to three hundred twenty & three, and there is not any not comprehended in the foregoing description. [323]

Attest WM. CARY } Selectmen
SHUBAEL HURD }

Lemster May ye 29th 1786

MARLBOROUGH.

Agreable to the Resolve of the General Cort for taking

the N° of the inhabitents of the Town of Marlborough wee find s[t] Number to be six hundred and Eighteen of which wee make return. [618]

OLIVER WRIGHT } Selectmen of
ABIJAH TUCKER } Marlborough

Marlborough, May y[e] 25, 1786.

MARLOW.

State of New hampshire—town of Marlow. According to orders of the General Court We the Selectmen have Numbered the men women and children of this town 252.

LEMUEL MILLER } Selectmen
SILAS MACK } of
RUFUS HUNTLEY } Marlow

NEW GRANTHAM.

May 1[st] 1786

Number of the white and other free Scituzens including those Bound to Servitude for a term of years No. 201

Attest NATHAN YOUNG } Selectmen.
EB[r] STEBENS }
ROBART SCOTT }

NEWPORT.

These are to certify that the whole Number of the Inhabitants of the Town of Newport is of White 552 and of Blacks 2.

Certify by us AARON BUEL } Selectmen
SAMUEL CHURCH } for
JESSE LANE } Newport.

Newport June 1[st] A. D. 1786.

PACKERSFIELD.

Agreeable to a Requisition of the General Court of the

State of New Hampshier requiring the several Towns to make a Return of all the Inhabitants in their several Districts to the Secretary's office of s[d] State on or before the second Wednesday of June Next

The Number of the Town of Packersfield Including all ages sexs and Denominations is

567 free citizens
0 Bond Slaves

A True Return

Atest SOLOMON WARDWELL, SOLOMON INGALLS, PELATIAH DAY } Select men of Packersfield

Packersfield May 31[st] 1786.

To the Secretary of the State of New Hampshier.

PLAINFIELD.

A Return of the Number of the whites and other inhabitants of the Town of Plainfield including those bound to servitude for a number of years. N° 580.

Attest—

BENJAMIN CHAPMAN, CHAMPIN SPALDING, DAVID PERRY } Selectmen

Plainfield May y[e] 8[th] day 1786.

PROTECTWORTH.

Jun 6[th] 1786.

According to order Received from Corte We have took Down the Number of Sols wetch mounts In the holl 127 free citizens

ABRAHAM SANBORN, NATH[l] CLARK, SAM[l] CLAY } Selectmen of Protectworth.

RICHMOND.

May y^e 6^th A D 1786.

these may Cartify that there is one thousand two Hundred and fifty of white and other free citizens Inhabitants in said Richmond and none of any other Denomination.

[1250] JEDIDIAH BUFFUM, RUFUS WHIPPLE, JAMES KINGSLEY } Selectmen of Richmond

To Ebenezer Thompson Esq^r Sec'ry of the State of New Hampshire.

RINDGE.

Cheshire SS.

Pursuant to a Resolve of the Gen^l Court of the State of New Hampshire, to us directed, we have taken the Number of the Inhabitants of the Town of Rindge, as therein Directed and find it to be seven hundred & fifty nine. [759]

BENJ^a FOSTER, ASA SHERWIN } Selectmen of Rindge.

Rindge 18^th May 1786.

STODDARD.

Men eighteen years of age and upwards	Women eighteen years of age and upwards	Boys under eighteen years of age	Garls under eighteen years of age	Slaves None
130	113	169	153	0

Total footing of the whole Number is 563.

In obedience to an Act Passed March y^e 3^d 1786 Requiring the Selectmen to make Return of all the Inhabitants

within their Respective Districts to the Secretary of this State the Return of the Inhabitants of the Town of Stoddard is as above mentioned.

From your most obedient Humb Servts

EDMUND INGALS, PETER WRIGHT, WARD EDDY } Selectmen of Stoddard.

SWANZEY.

April 20th, 1786.

State of New Hampshire.

Agreable to a Requisition of the General Court of the 3d of March last We have numbered the Inhabitants of said Swanzey of every age sex & condition, and find the whole number to be one Thousand.

N. B. There are no slaves in said town.

Attest CALVIN FRINK, ISAAC HAMMOND } Selectmen of Swanzey.

UNITY.

June 5th day 1786

Cheshire SS.

Pursuant to the within Resolve we have Taken the No of the Inhabitants of the Town aforesd which is 404—as witness our Hands.

NATHl HUNTOON, AMOS CHASE, MATTHIAS BARTLETT } Selectmen of Unity.

WASHINGTON.

May 30th 1786.

A Return of the number of Ratable Polls and other Inhabitants of the Town of Washington aforesd viz.

Polls 109....Boys 131....Females 234....In all 474.

DAVID DANFORTH, EBENr WOODS, JOSIAH GILBERT } Selectmen

WESTMORELAND.

A Return of the Number of the Inhabitants of the Town of Westmorland.

In obedience to the request of the General Assembly of this State We have taken the Number of the Inhabitants of the town of Westmorland of all sects and denominations and find the Number to be one thousand six hundred & twenty. [1620.]

June the 12th day 1786.

GEORGE ALDRICH, NATHAN FRANKLIN, NATHANIEL WILBORE } Selectmen of Westmorland

To the Secretary of the
State of Newhampshire.

WENDELL.

June ye 5 AD. 1786

Honoured Sir—We Rec'd A Request from you to Number the people of all sects and conditions and Kinds and A Cordingly We have been and Numbered Them and find thir is one Hundred and Ninety five of the Hole— 195

ELIJAH WOODWARD, JOB CLAP, JOEL BAILEY } Selectmen of Wendell

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WINCHESTER.

A Return of the Number of Inhabitants in the Town of Winchester taken by the selectmen of said Town according to a late act of the General Cort for that purpose, are as followeth.

N° White Inhabitants	1100
N° of Blacks	3

Winchester May 15th 1786.

DANIEL ASHLEY, JEREMIAH PRATT, ASAHEL JEWELL } Selectmen

[Summary for County of Cheshire.—ED.]

Towns.	Whole Number.	Slaves.	Other persons.
Claremont,	914	3	48 "transcint persons."
Croydon,	381		
Dublin,	658		
Fitzwilliam,	870		
Gilsum,	304		1 black.
Hinsdale,	326	4	
Keene,	1122		
Lempster,	322		
Marlborough,	618		
Marlow,	252		
New Grantham,	201		
Newport,	552		2 blacks.
Packersfield,	567		
Plainfield,	580		
Protectworth,	127		
Richmond,	1250		
Rindge,	759		
Stoddard,	563		
Swanzey,	1000		
Unity,	404		
Washington,	474		
Westmoreland,	1621		
Wendell,	195		
Winchester,	1100		3 blacks.
Total,	15,160	7	54

COUNTY OF GRAFTON.

ALEXANDRIA.

Agreeable to an order of Court to us Directed we have taken the Number of Souls in Alexandria—the total of which is Two Hundred and Ninety one. 291

DAVID ATWOOD } Select
JOSHUA TAYLOR } men

Dated Alexandria June 7th 1786.
To Honbl the Secretary.

BATH.

Agreable to a Resolve of Court for Numbering the Inhabitants of the State. The following are the Number of Inhabitants of the Town of Bath. N° of Persons 335.

JEREMIAH HUTCHINS, EZRA CHILD, HENRY HANCOCK } Selectmen for Bath.

Given under our hands at
Bath June 3d 1786.

CAMPTON.

May 31st 1786

A return of the inhabitants in the town of Campton conformably to the resolve of the General Court passed March 3d 1786.

Whole number of white and other free citizens 307
Other persons not comprehended in the foregoing description..... 0

Attest.....MOSES BAKER, SAMUEL HOLMES, JOHN SOUTHMAYD } Selectmen

Ebenr Thompson, Secretary.

CANAAN.

April ye 28: 1786. The Number of inhabetents of the Town of Canaan one Hundred fourty tow males
one Hundred & Eleven females

253

WILLIAM RICHARDSON, JEHU JONES } Selectmen.

CARDIGAN.

State of New Hampshire Grafton SS. } To.....Secretary of said State
This may Certify that we the subscribers Have taken in the List of all the people old and

young of Cardigan fifty males—Thirty females Ratable poles seventeen. Total Eighty.

Cardigan, May y^e 20 A D 1786

Atest
Total of the people in the
Town of Cardigan 80.

JABEZ B. BARNEY
WM. ARWEN
THOMAS MINER

COCKERMOUTH.

To the Secretary of the State of New Hampshire.

The following is the N° of the Inhabitants of the town of Cockermouth. viz. 63 mails Eighteen years & upwards.
91 mail children
127 women & femail children

Total 281

EBE^r KENDALL
THO^s NEVINS } Selectmen
June 17^th 1786 NEHEMIAH HARDY

N. B. The above has been ommitted on the account that we have had No orders from Court.

GUNTHWAITE [or Concord.]

State of New Hampshire } Concord alias Gunthwaite April
Grafton SS. } 1, 1786. In pursuance to an order of the General Court of said State passed at their last session, to number the people in said Town, we have this day numberd them in this Town according to the tennor of said act, and there appears to be one Hundred & fifty two. [152]

SAM^l YOUNG
JOHN YOUNG } Selectmen of said
JOSIAH BISHOP } Town.

DORCHESTER.

The Number of Inhabitants in the Town of Dorchester amounts to one hundred and sixteen. [116]

Attest.....JOHN WOODWORTH } Selectmen
JOSEPH BURLEY } for Dorchester.

Dorchester June first, 1786.

ENFIELD.

State of New Hampshire }
Grafton SS. } Pursuant to a Resolve of the Hon^ble General Court for s^d State We the subscribers have numbered the Inhabitants of the Town Enfield and find the number to be four hundred & Eighty four it being the whole number of white & other free citizens of exery age sex & condition. [484]

Attest.....JESSE JOHNSON } Select
LEVI WEBSTER } men

Enfield March 9^th, 1786.
Hon^ble E. Thompson Esq.

GRAFTON.

A Return of all the inhabitants of the Town of Grafton of every sex and condition are.....350
Servants bound out for a term of time are..... 4 [354]

A True an a Count
Atest pur Us

HEZEKIAH BULLOCK } Selectmen
EBENEZER HOYT } of
OLIVER WILLIAMS } Grafton.

HANOVER.

To....Secretary of the State of New Hampsheir

the amount of the number of White Inhabitants and other free citizens of the Town of Hanover is Eight Hundred

sixty six. And also those not comperhened in the foregoing class amounts to four

[866
4
870]

SAM[l] SLADE
OTIS FREEMAN
STEPHEN BENTON
} Selectmen

Hanover June y[e] 4[th] 1786.

HAVERHILL.

State of New Hampshire }
Grafton SS. } This is to certify that there was four Hundred & fifty Eight Inhabitants in the Town of Haverhill in said state the first day of April 1786. [458]

April 1786.

ANDREW S. CROCKER
NAT[el] MERILL
} Select Men of Haverhill

LANCASTER.

State of New Hampshire Grafton SS. } The Number of all the free citizens of every sex and condition in the Town of Lancaster taken April 26[th] 1876.

Whole Number of all the souls being.....102.

EDW[d] BUCKMAN
DAVID PAGE
EMMONS STOCKWELL
} Selectmen

To the Secretary of the State of New Hampshire.

LEBANON.

Pursuant to a Resolution of the Hon[ble] the House of Representatives of the State of New Hamp[r] & Read & Concurred the same day by the Hon[bl] Senate: that the Selectmen of the several Towns, districts & parishes within said State make a Return of all the Inhabitants within their respective districts to the Secretary of s[d] State on or before the Sec[d] Wednesday in June next, viz. the whole number of white

& other free citizens inhabitants of every age, sex & condition including those bound to servitude for a term of years: & also all other persons not Comprehended in the foregoing description, except indians Not paying Taxes. Wherefore in conformity to said Resolve, we y^e^ subscribers have taken an exact account of the inhabitants of the Town of Lebanon in the County of Grafton in s^d^ State, Which is as follows, viz.

Whites &c included in the foregoing description 841
Persons not included in s^d^ description..... 2
[843]

Attest — Nath^l^ Wheatley, James Crocker, Nathaniel Hall, jun } Selectmen.

Dated in said Lebanon May 23^d^ A D. 1786.

LYMAN.

Lyman May 27—1786.

In obedence to a Resolve of the hous of Representatives of march the third 1786 We the Subscribers have numbered the full of all the inhabitants of s^d^ Lyman the number is as folows one hundred and sixteen. [116]

Nathan Hodges, Solomon Parker, Job Moulton } Selectmen

To E. Thomson Sectrey.

LYME.

May y^e^ 29^th^ 1786.

A Return of the Number of inhabitants of the Town of Lyme....is.....490

A Return of those not included in the former part of the said Act..... 12 [502]

Test — Shubal Dimack, Joseph Skinner, Walter Fairfield, jun } Select men Lyme

NEW CHESTER.

Pursuant to a Resolve of the General Court Pas'd March y^e 3^d 1786 * * * * wee the subscribers have taken an exact account of the number of white and other free citizens Inhabitants of every age, sex and condition Belonging to the town of New Chester and the Number is as follows The males are in number two hundred & fifty four and the number of females is two hundred and forty two.

CARR HUSE, PETER SLEEPER, THO^S CRAWFORD } Selectmen for New Chester

New Chester, April y^e 17^th 1786.

Number of males	254
Number of females	242
Sum total	496.

NEW HOLDERNESS.

Grafton SS. May 10^th 1786

Agreeable to a resolve of Court requiring a return to be made of the number of inhabitants in each town, we the subscribers selectmen of said New Holderness do hereby certify that is Two hundred & sixty seven free citizens in said town & no more, seven of which are transient persons.

Attest— MICH^l DWYER, GEO. W. LIVERMORE } Selectmen.

260 inhabitants
7 transient persons

267

ORFORD.

State of New Hampshire
Grafton SS. June 1^st 1786

Agreeable to a Resolve of the General Court of said State directed to the Selectmen of the Town of Orford

aforesaid dated March 3d 1786 directing them to Return the N° of the citizens &c. in said town, we have proceeded and make Return as follows, to wit—363 Inhabitants of different ages & sexes, eighth white transient persons & five negroes.

Theo[r] Dame	Selectmen	363
Dan[l] Tillotson, jun		8
Nath[l] Rogers		5
		[376]

PIERMONT.

Pirsuant to Orders Receiv'd we have Numbered the People and thair N° is as follows

Males	183	Noah Foord	Selectmen
Females	170	Azariah Webb	
Male Negroes	003	Thomas Richards	
	356		

Piermont, May 1st 1786

Joseph Pearson Esq[r] Sec'ry

PLYMOUTH.

We the subscribers Selectmen of the Town of Plymouth in the County of Grafton and State of New Hampshire have pursuant to Requisition Numbered the inhabitants of said Plymouth and find the whole number of white & other free citizens Inhabitants of every age sex and condition including those bound to servitude for a number of years to be five hundred twenty & eight. also four other Inhabitants not included in the above.

Plymouth, first day of June 1786.	528
	4

Sam[l] Emerson, William George — Selectmen

Eb[r] Thomson Esq[r]
Secretary of the State.

RUMNEY.

We the subscribers having numbered the Inhabitants of the Town of Rumney of every age, sex and condition find there to be three hundred and fifty nine persons

Rumney May y^e^ 30^th^ A D 1786. [359]

ABRAH^m^ BURNHAM
CHARLES CLARK } Selectmen.
DAN^l^ BRAINERD jun.

N. B. The above mentioned number are free citizens

THORNTON.

16^th^ May 1786

A return of the inhabitants in the town of Thornton conformable to the resolve of the General Court passed March 3^d^ 1786.

Whole number of White and other free citizens	295
Other persons not comprehended in the foregoing description,	7
Total	302

JOHN BROWN
DAVID LINDSAY } Selectmen
E. Thompson, Esq. MOSES FOSS

WENTWORTH.

June y^e^ 3^d^ 1786.

This is to sertifie that there is in this town Inhabitants of all sex age and conditions to the number of one hundred

and sixty Eight as numbered by us in the month of April Last.

168. Attested by us—JOHN AKEN, BENJ^A COTTON, JOSEPH COOPER } Selectmen of Wentworth

N. B. There is none in town for the second column.

[Summary for the County of Grafton.—ED.]

Towns.	Whole Number.	Called Slaves.	Other persons.
Alexandria,	291		
Bath,	335		
Campton,	307		
Canaan,	253		
Cardigan,	80		
Cockermouth,	281		
Gunthwaite,	152		
Dorchester,	116		
Enfield,	484		[a term of time.
Grafton,	350		4 servants bound out for
Hanover,	866		4 "not comprehended" in other classes.
Haverhill,	458		
Lancaster,	102		
Lebanon,	841		2 "not included," &c.
Lyman,	116		
Lyme,	490		12 "not included."
New Chester,	496		
New Holderness,	260		7 transient persons.
Orford,	363		5 negroes. 8 transient persons.
Piermont,	353		3 male negroes.
Plymouth,	528		4 others.
Rumney,	359		
Thornton,	295		7 other persons.
Wentworth,	168		
Total,	8,344	0	56

[Summary of the Census of 1786 by Counties.—ED.]

Counties.	No. of towns.	Free inhabitants.	Slaves.	Others.
Rockingham,	37	32,138*	21	185
Strafford,	18	13,877	9	8
Hillsborough,	35	25,933	9	48
Cheshire,	24	15,160	7	6
Grafton,	24	8,344	0	56
Total, Errors excepted.	138	95,452	46	303

* By error, this number, on page 651, is printed 48,431—which please correct. Readers will also notice that the number of towns returned from Rockingham county in 1786 is five less than in 1773.—ED.

APPENDIX.

[Supplementary to Vol. I, pp. 4–40.]

CONTAINING A COPY OF

I. The GRANT OF THE PROVINCE OF LACONIA to Sir Ferdinando Gorges and Capt. John Mason, Nov. 17, 1629.

II. The SQUAMSCOTT or HILTON'S POINT PATENT, March 12, 1629 (O. S.).*

III. The DOVER COMBINATION, with the names of all the original signers, October 20, 1640.

IV. LETTER from Capt. Thomas Wiggin to Sir John Cooke, Nov. 19, 1632.†

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* This date (O. S.) corresponds with March 23, 1630 (N. S.).—ED.

† Nos. I, III, and IV are copied from the "Transcripts of Original Documents in the English Archives relating to the early history of New Hampshire, edited by John Scribner Jenness."—ED.

Note by the Editor.

The papers contained in this Appendix are of great value in relation to the early history of New Hampshire. They are here inserted, under the advice of His Excellency Gov. Prescott, as supplementary to the Ancient Grants, contained in Vol. I, Provincial Papers N. H., pp. 4–40. Readers of that portion of Vol. I must have perceived that there was a want of distinct historic statement respecting both the Squamscott or Hilton's Point Patent and the Grant of the Province of Laconia. Of the latter, especially, nothing exact and definite was known. Dr. Belknap, in the first volume of his History of New Hampshire, chapter 1, had fallen into a great mistake in calling the grant to Sir Ferdinando Gorges and Capt. John Mason of August 10, 1622, by the name of the Province of Laconia. The proper name of that Grant, as appears by the late publication of it, was the Province of Maine.* In consequence of that error in Dr. Belknap, confusion was introduced into subsequent parts of our history. The Grant of the Province of Laconia was not made till seven years subsequent to that bearing date August 10, 1622. The copy of this Grant, as herein published, was made from the original in the English archives in London, 1874, under the supervision of John S. Jenness, Esq., of New York, formerly of Portsmouth, N. H., and may be relied on as of unquestionable authority. The copy of the Dover Combination and of the letter of Capt. Thomas Wiggin was also made by the same hand.

The Squamscott Patent, as it is called, was known by historians to have been in existence; but as a copy of it could nowhere be found, uncertainty was attached to the date, the conditions, and the bounds of it. But fortunately a copy of it was discovered by Hon. Charles H. Bell, president of the N. H. Historical Society, among ancient files of the superior court in Exeter, in the spring of 1870. It was filed with other court papers in a bundle superscribed *Allen* v. *Vaughan*. An exact copy of it, as found by Mr. Bell, was made by the editor, and is herein published.†

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* See Prov. Pap. N. H., Vol. I, pp. 10–16. Mem. Vol. Popham Celebration, Appx., p. 121.—Ed.

† A copy of this patent was sent to the N. E. Geneal. and Historical Society, Boston, and printed in the July number of the *Register*, 1870. —Ed.

Readers will please notice that the Laconia Grant and the Squamscott Patent both have an important bearing on the question of the validity of the Wheelwright Indian Deed (so-called),—see Vol. I, Prov. Pap., pp. 56–60,—inasmuch as that deed, dated May 17, 1629, antedates them both, one by six months and the other by ten months, presenting the strange anachronism of Walter Neale and Thomas Wiggin witnessing the delivery of that deed in their official character before the Laconia Company was formed, before the Grants under which it was pretended they acted were made in England, before either of them received their appointment, more than a year before either of them was in this country, and even about seven years before the Rev. John Wheelwright arrived hither, which was in May, 1636.

COLONIAL ENTRY BOOK. Vol. 59, pp. 115–121.

[No. I.] (1629, *November* 17.)

The Grant of the Province of Laconia to S^r^ Ferdinando Gorges and Capt^t^ J^no^ Mason, 17^th^ Nov^r^ 1629.

This Indenture made y^e^ Seaventeenth day of November Ano Domi 1629. 5^th^ of Charles Between y^e^ President & Councell of New England on y^e^ one partie & S^r^ fferdinando Gorges of London Knt & Cap^t^ John Mason of London Esq^r^ on y^e^ other partie Wittesseth y^t^ whereas King James for y^e^ making of a plantacon and establishing of a Colony or Colonys in y^e^ Country called or known by y^e^ name of New England in Americka did by letters pattents bearing date 3^rd^ November 18^th^ of his reign grant unto y^e^ right hon^ble^ Lodowick Duke of Lenox George marques of Buckingham James Lord Marques of Hamilton Thomas Earle of Arundel Robert Earle of Warwick S^r^ Ferdinando Gorges Knt & divers others whose names are expressed in the said letters pattents their heires and assigness and that they shall be known by the name of the President & Councell established at Plymouth for planting &c of New England in America Did grant unto the President & Councell & their Successors All that part and porcon of yt Countrey now comonly called New

England &c &c to have and possess the same to them their successors for ever to be holden of his majesties manor of East Greenwich in y^e^ County of Kent in free and comon soccage & not in Capite or by Knights service Yeelding and paying to his Majesty the 5^th^ part of all gold & silver oare that may be obtained from the same.

Now this Indenture wittnesseth y^t^ y^e^ sd president & Councell of their full free & mutuall consent as well to y^e^ end y^t^ all y^e^ lands woodes lakes loucks rivers watters Islands & fishings with all other y^e^ traficques proffits & commodityes whatsoever to them or any of them belonging and hereafter in these p^nts^ menconed may be wholy & intirely invested appropriated severed & settled in & upon y^r^ s^d^ S^r^ fferdinando Gorges & Cap^t^ John Mason there heires &c for ever, for the advancem^t^ of y^e^ sd plantation and other good and Sufficient causes & considerations them especially thereunto moveing have granted &c unto y^e^ sd S^r^ fferdinando Gorges and Capt John Mason their heirs & assignes & to their Associates & such as they shall alow of & take in to adventure & joine w^th^ them in their plantacons traficques & discoveryes in y^e^ parts heereafter expressed and their heirs and assignes according to Contracts w^th^ them to be made All those lands & Countrys lying adjacent or bordering upon the great lake or lakes or rivers commonly called or knowen by y^e^ name of y^e^ river & lake or rivers & lakes of y^e^ Irroquois a nation or nations of salvage people inhabiting up into y^e^ landwards betwixt y^e^ lines of west & North west conceived to passe or lead upwards from y^e^ rivers of Sagadahock & Merrimack in y^e^ Country of New England afores^d^ Together also w^th^ y^e^ lakes & rivers of y^e^ Irroquois & other nations adjoyning y^e^ midle part of w^ch^ lakes is scittuate & lying neerabout ye latitude of fourty four or fourty five degrees reckon'd from ye Equinoctial line Northwards as alsoe all ye lands soyls & grounds w^th^ in tenn miles of any part of ye said lakes or rivers on y^e^ South or East part thereof & from y^e^ west end or sides of ye sd lakes & rivers, soe farre forth to ye west as shall extend halfway into y^e^ next great lake to ye Westwards & from thence Northwards unto ye North side of y^e^ maine river w^ch^ runeth from y^e^ great & vast Westerne lakes & falleth unto y^e^ river of Canada, including all y^e^ Islands w^th^ in ye precinct or perambulacon described As alsoe all y^e^ lands sole grounds havens ports rivers mines mineralls pearls & pretious Stones

woods Quarrys marshes watters fishings hunting hawing fowling trade & traficque w^th^ y^e^ Salvages & other comodityes & hereditam^ts^ w^t^sover w^th^ all & singular their appurtences together w^th^ all prerogatives rights royaltys Jurisdicons priviledges franchises preheminences libertyes Marine power in & upon y^e^ sd rivers & lakes As alsoe all escheats & casualtys therof as flotson Jetson & lagon w^th^ anchorag's & other such dutys imunityes * * * & appurtences w^t^soever w^th^ all ye Estate right title interest claime & demand w^t^soever w^ch^ ye sd President & Councell & their Successors of right ought to have or claime in or to y^e^ sd porcons of lands rivers & lakes & other y^e^ premises as is afores^d^ by reason or force of his Highness sd letters pattents in as free large ample & beneficiall maner to all intents constructions & purposes w^t^soever as in & by y^e^ sd letters patents y^e^ same are amongst other things granted to y^e^ sd president & Councell aforsd Except two fifths of ye oare of Gold & Silver in these pnts hereafter expressed w^ch^ sd porcons of lands rivers & lakes w^th^ ye appurtenances ye sd S^r^ fferdinando Gorges & Cap^t^ John Mason w^th^ ye consent of ye President & Councell intend to name ye Province of Laconia. To have & to hold all the sd porcons of land &c &c. unto ye sd S^r^ fferdinando Gorges & Cap^t^ John Mason their heires &c for ever. To be holden of the Manor of East Greenwich in ye County of Kent in free & comon soccoge & not in capite or by Knights service. Neverthelesse w^th^ such exceptions reservations limitations & declarations as in the sd letters Pattents are at large expressed Yeelding & paying unto the King his heirs & successors ye fifth part of al ye Oare of Gold & Silver that shall be gotten from the same, &c * * * * * *

* * * * * * * *

And y^e^ sd President & Councill for themselves & their Successors doe further covenant & grant to & w^th^ ye sd S^r^ fferdinando Gorges & Cap^t^ John Mason their heires & assignes & associates & by those pnts y^t^ it shall & may be lawfull at all times hereafter to & for ye sd S^r^ Ferdinando Gorges and Cap^t^ John Mason their Heires & assignes & their associates & y^e^ Deputyes factors servants & tenants of them or any of them to have free Egress way & passage to enter & pass into & returne from & to any of y^e^ sd demised lands lakes & rivers w^th^ their Shipps boates barkes or other Vessells w^th^ their munition & their Cattle and commodityes of

w^t^ nature soever from by & through any of ye lands rivers harbours creeks or Sea Ports upon y^e^ Sea Coasts or fronteer parts of New England afores^d^ belonging to y^e^ President & Councell afores^d^ w^th^ out any lett trouble interrupcon molestacon or hinderance of them y^e^ sd President & Councill their successors or assignes or of any other person or persons claiming under them or by their means or procurem^t^. And for y^e^ better accomodacon of them y^e^ sd S^r^ Ferdinando Gorges & Cap^t^ John Mason ther heires assignes & associates in their intended trafiques & plantacons above in y^e^ sd lakes of y^e^ Irrequois whither their goods & marchandizes from y^e^ sea ports are to be after landing transported it shalbe lawfull for y^m^ to make choise of & take and possess for the use of y^m^ y^e^ sd S^r^ Ferdinando Gorges & Cap^t^ John Mason their heires assignes & associates and their Deputyes ffactors tennants & planters of their Colonyes in any of y^e^ ports harbours or Creeks in New England lying most comodious for their passage up into ye sd Lakes One thousand acres of land upon ye side or sides of such harbors ports rivers or Creekes where ye same is not yet disposed of to any other persons by ye sd President & Councill & ye sd lands by y^m^ shalbe holden possessed & enjoyed as freely & with as ample privileges Jurisdicons & comodetyes in all respects as any other y^e^ lands above in these pnts demised & granted unto them & further knowe yee y^t^ y^e^ sd President & Councill have made constituted deputed authorized & appointed & in their place & stead doe put Edw: Godfrey or in his absence to any other person y^t^ shalbe there Governo^r^ or other Officer to y^e^ President & Councell to be their true & lawfull Attorney & in their name and stead to enter y^e^ sd porcon of land & other premises w^th^ their appurtences or unto some part thereof in name of y^e^ whole and deliver possession &c, Signed, sealed &c the day and year above written.

THE SQUAMSCOTT OR HILTON'S POINT PATENT.

[From a copy in the files of the Superior Court, in Exeter [No. II.] N. H.—Ed.]

To all Xsian People to whome these p^esents shall come, Greeting, Whereas our late Soveraigne Lord King James for the Advancem^t of a Colony and plantacon in the Country called or known by the name of New England in America, hath by his highnesse Letters Pattents under the Great Seale of England bearing date at Westm^r the third day of November in the Eighteenth yeare of his highnesses Reigne of England Ffrance and Ireland, and of Scotland the ffour and fiftyeth, absolutely Given Granted and Confirmed unto the Right Hon^ble Lodowick Lord Duke of Lenox George Lord Marquess of Buckingham James Marquess Hambleton Thomas Earle of Arundell Robert Earle of Warwick S^r ffardinando Gorges Knight & diverse others whose names are expressed in the said Lres pattents and to their successors for ever under the limitacons reservacons & declaracons as in the said Letters pattents is Expressed all that part and porcon of the said Country of New England in America scituate lying and being in Breadth from fforty degrees of northerly Latitude from the Equinoctiall Line to fforty eight degrees of the said northerly Latitude inclusively and in Length of and in all the Breadth aforesaid throughout the maine Land from sea to sea together alsoe with all the ffirm Lands, Soyles, Grounds, Creeks Inletts, havins, Ports, Rivers, Seas, Iclands Waters ffishings mines and mineralls, as well Royall mynes of Gold and Silver as other mynes & mineralls—pretious Stones, Quarries and all and singular the Comodities, Jurisdiccons, Royalties Priviledges ffranchises and p' heminences whatsoever both within the said Tracts of Lands upon the Maine, as alsoe within the said Islands and Seas adjoyning as in and by the said Letters pattents amongst sundry other priviledges and matters therein contained, more fully and at large it doth and may appear—

Now know yee That the said President and Councell by Virtue & authority of his Maj^ties said Letters Pattents, and for and in consideracon that Edward Hilton & his Associates hath already at his and their owne proper costs and

charges transported sundry servants to plant in New England aforesaid at a place there called by the natives Wecanacohunt otherwise Hilton's point lying some two leagues from the mouth of the River Paskataquack in New England aforesaid where they have already Built some houses, and planted corne, And for that he doth further intend by Gods Divine Assistance, to transport thither more people and cattle, to the good increase and advancem^t & for the better settling and strengthing of their plantacon as also that they may be the better encouraged to proceed in soe pious a work which may Especially tend to the propagacon of Religion and to the Great increase of Trade to his Maj^tie^s Realmes and Dominions, and the advancement of publique plantacon, Have Given Granted Enfeoffed and Confirmed, and by this their p'sent writing doe fully clearly and absolutely Give Grant enfeoffe and Confirme unto the said Edward Hilton his heires and Assignes for ever, all that part of the River Paseataquack called or known by the name of Wecanacohunt or Hilton's Point with the South side of the said River, up to the ffall of the River, and three miles into the Maine Land by all the breadth aforesaid, Together with all the Shoares Creeks Bays Harbors and Coasts, alongst the Sea within the limitts & Bounds aforesaid with the woods and Islands next adjoyneing to the said Lands, not being already Granted by the said Councell unto any other person or persons together alsoe with all the Lands Rivers Mines Mineralls of what kinde or nature soever, woods Quarries, Marshes, Waters, Lakes ffishings, Huntings, Hawkings, ffowlings, Comodities Emolum^ts and hereditaments whatsoever withall and singular their and every of their App^ts in or within the limitts or bounds aforesaid, or to the said Lands lying within the same limitts or Bounds belonging or in any wise appertaining, To have and to hold, all and singular the said Lands and p'mises, with all and singular the woods Quarries Marshes, waters, Rivers, Lakes, ffishings, ffowlings, Hawkings, Huntings, Mynes, mineralls of what kynde or nature soever, priviledges, Rights Jurisdicons Libbertyes Royalties and all other proffits Comodities Emoluments and hereditaments whatsoever, before in and by these p'sents Given and Granted, or herein meant intenconed or intended to be hereby Given or Granted, with their and every of their app^ts and every part and parcell thereof (Except before Excepted) unto the

said Edward Hilton his heires, Associates and Assignes forever to the onely proper use and behoofe of the said Edward Hilton his heires, Associates & Assignes for ever, yielding and paying unto our Soveraigne Lord the King one ffifth part of Gold and Silver Oares, and another ffifth part to the Councell aforesaid and their successors to be holden of the said Councell and their successors by the rent hereafter in these p'sents Reserved, yielding and paying therefor yearly for ever unto the said Councell their successors or Assignes for every hundred Acress of the said Land in use the sume of twelve pence of Lawfull money of England into the hands of the Rent gatherer for the time being of the said Councell y^r^ successors or Assignes for all services whatsoever, And the said Councell for the affairs of New England in America aforesaid, Doe by these p'sents nominate Depute, Authorize appoint and in their place and stead put William Blackston of New England in America aforesaid Clerk William Jeffries and Thomas Lewis of the same place Gent and either or any of them Joyntly or severally to be their true and Lawfull Attorny or Attorneys and in their name and stead to enter into the said part or porcon of Land, and other the p'mises with the app^ts^ by these p'sents Given and Granted or into some part thereof in the name of the whole, and peaceable & quiett possession and seisin thereof for them to take and the same soe had and taken in their name and stead to deliver possession & seisn thereof unto the said Edward Hilton his heires Associates and Assignes, according to the tenor forme and effect of these p'sents Ratifieing Confirmeing and allowing all and whatsoever the said Attorny or Attornyes, or either of them shall doe in or about the p'mises by virtue hereof. In Witnesse whereof the said Councell for the affaires of New England in America aforesaid, have hereunto caused their com'on Seale to be putt the twelfth day of March Anno Dmi 1629, And in the fifth yeare of the Reigne of our Soveraigne Lord Charles by the Grace of God of England Scotland ffrance and Ireland, defender of the ffaith &c

Ro: Warwicke.

Mem^o^: That upon the 7^th^ day of July Anno Dmi 1631 Annoq: R's Caroli pri: Septimo: by virtue of a warr^t^ of Attorny within menconed from the Councell of the affaires in New England under their Comon Seale unto Thomas

Lewis he the said Thomas Lewis had taken quiett possession of the within menconed p'mises and Livery and Seisen thereof hath Given to the within named Edward Hilton in the p'sence of us.

Vera Copia Efficit pr nos — Thomas Wiggin
Tim: s Nicholas — Wm. Hilton
Pet Coppeer — Sam[l] Sharpe
James Downe

Vera Copia
Attest— Rich: Partridge, Cler.

Endorsed

Grant from the Councill of Plymouth to Edward Hilton of Lands in New Hampshire in New England dated the 12[th] March 1629.

for Hilton's Point And the south side of said River & to the falls*

Allen vs. Waldron
Feb[y] 1704–5.

NEW HAMPSHIRE PAPERS. Vol. 47.

The Dover Combination.†

[No. III.] (1640. *October* 20.)

Whereas sundry Mischeifes and inconveniences have be faln us, and more and greater may in regard of want of Civill Government, his Gratious Ma[tie] having hitherto Setled no Order for us to our Knowledge.

Wee whose names are underwritten being Inhabitants upon the River Pascataquack have voluntarily agreed to combine our Selves into a Body Politique that wee may the more comfortably enjoy the benefit of his Ma[ties] Lawes And do hereby actually engage our Selves to Submit to his Royal Ma[ties] Lawes together with all such Orders as shalbee

* Readers are referred, for further information on this matter, to Vol. I, Prov. Papers N. H., pp. 28, 29, and 223, 224.—Ed.

† See Vol. I, Prov. Pap. N. H., p. 126.—Ed.

concluded by a Major part of the Freemen of our Society, in case they bee not repugnant to the Lawes of England and administered in the behalfe of his Majesty.

And this we have mutually promised and concluded to do and so to continue till his Excellent Ma^tie shall give other Order concerning us.

In Witness wee have hereto Set our hands the two and twentieth day of October in the Sixteenth yeare of the Reign of our Sovereign Lord Charles by the grace of God King of Great Brittain France & Ireland Defender of the Faith &c. Annoqz Dom^i 1640.

John Follett	Abel Camond	Bartholmew Smith
Robert Nanney	Henry Beck	Samuel Haines
William Jones	Robert Huggins	John Underhill
Phillip Swaddon	Thom Larkham	Peter Garland
Richard Pinckhame	Richard Waldern	John Dam
Bartholomew Hunt	William Waldern	Steven Teddar
William Bowden	William Storer	John Ugroufe
John Wastill	William Furbur	Thomas Canning
John Heard	Tho. Layton	John Phillips
John Hall	Tho. Roberts	Tho. Dunstar
Fran. Champernoon	Edward Starr	William Pomfret
Hansed Knowles	James Nute	John Cross
Edward Colcord	Anthony Emery	George Webb
Henry Lahorn	Richard Laham	James Rawlins

This is a true copy compared with y^e Originall by me

Edw Cranfield.

(Endorsed) New England N Hampshire The Combination for Government by y^e people at Pascatq (1640).

Rec^d ab^t 13^th Febr 82–3.

COLONIAL STATE PAPERS. Vol. 6, No. 68.

[Letter from Thomas Wiggin to Sir John Cooke.*]

[No. IV.] (1632. *Nov.* 19.)

Right hono^ble.

Havinge lately bin in New England in America and taken notice both of some Comodities and advantages to this

* See Vol. I, Prov. Pap. N. H., p. 83. Note.—Ed.

State w^ch^ that Contrie will afford, and there havinge visited the plantations of the English and amongs the rest that especially in the Mattachusetts (being the largest best and most prospering in all that land) I haue made bold to informe yo^r^ hono^r^ of some observations w^ch^ I have taken both of the Contrie and that Plantation.

As for the Contrie it is well stored with goodly Timber and Masts for shippinge, and will afford Cordage, Pitch and Tarr and as good hempe and fllax as in any pte of the world, growes there naturally fitt for Cordage and sayles, whereof this kingdome will soone find the benefitt, if the plantacon proceed awhile weth out Discouragem^t^ as hitherto it hath done.

ffor the plantation in the Mattachusetts the English there being about 2000 people, yonge and old, are gen^nlly^ most industrious and fitt for such a Worke, hauinge in three yeares done more in buyldinge and plantinge, then others haue done in seauen tymes that space, and with at least ten tymes lesse expence.

Besides I have observed the planters there, and by theire louinge just and kind dealinge with the Indians, haue gotten theire loue and respect and drawne them to an outward Conformity to the English, soe that the Indians repaire to the English Gouerno^r^ there, and his Deputies for iustice.

And for the Gouerno^r^ himself I haue obserued him to bee a discreete, and sober man, giuinge good example to all the planters, wearinge plaine apparell such as may well beseeme a meane man, drinkinge ordinarily water, and when he is not Conversant about matters of iustice, putting his hand to any ordinarye labour with his seruants, ruling w^th^ much mildnes and in this pticular I obserued him to be strict in execucon of Justice, upon such as haue scandalized this state, either in Ciuill, or Ecclesiasticall gouerucm^t^ to the greate Contentm^t^ of those that are best affected, and to the terror of offendo^rs^.

Of all w^ch^ I my selfe hauinge bin an eye witnesse am the rather induced to p^r^ sent the same to yo^r^ hono^r^ to cleare the reputation of the plantation from certaine false rumo^rs^ and scandales, w^ch^ I p ceiue since my retorne to England some psons ill affected to the plantations there, haue cast abroad; as namely one S^r^ Xhofer Gardiner, whoe leavinge two wiues here in England, went with another youge woman into New England, there, being discovred by letters from Eng-

land he was sepated from his wench. A second is one Moreton whoe (as I am Informed by his wifes soune and others) upon a foule suspition of Murther fled hence to New England and there falling out with some of the Indians, he shott them with a fowling piece, for w^ch^ and other misdemeano^rs^ upon the Indians complaint his howse by order of Court there, was destroyed and he banished the plantacon.

A third was one Ratcliffe whoe as I am Crediblie informed, for most horible blasphemy was Condemned there to lose his eares, whoe with the former two, and some other the like discontended and scandalous psons, are lately returned hither, seekinge to Couer the shame of theire owne facts, by castinge reproaches upon the plantation, doe addresse themselues to S^r^ ffardinando Gorges, whoe by theire false informacons, is nowe piectinge howe to depriue that plantation of the previledges graunted by his Ma^tie^ and to subuert their gouernm^t^ the effects whereof wilbe the utter ruine of this hopefull plantation, by hindringe all such as would goe to them, and driuinge those alredy planted there, either to retorne, or disperse into other places, w^ch^ I leaue to yo^r^ graue iudgm^t^ my selfe being none of theire plantation, but a neighbour by, haue done this out of that respect I bere to the gen^all^ good, I haue ben too breife in this relation in regard I feared to be ouer troublesome to yo^r^ hono^rs^ Soe I take leaue and rest.

The XIX^th^ daye of Nouember . 1632

Yo^r^ hono^rs^ humble servant

THO WIGGIN

(Addressed) To the right hono^ble^ S^r^ John Cooke kn^t^ principall Secretary to his Ma^ie^ and one of his highnes most hono^ble^ prince Councell these d

(Endorsed) 1632. Nove^b^ 19. Relation of Capt Wiggin of New England.

FINIS.

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The Index which follows is designed to contain the names of all the persons and towns mentioned in this volume, with the page on which found. The word *passim* indicates that a name is of very frequent occurrence, and need not in every instance be noted. New Hampshire towns are printed in SMALL CAPITALS. The editor has aimed to be accurate, but in such a multiplicity of names and figures he fears errrors may be detected.—ED.

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